

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P. No.451 of 2020 and C.M.P. No.10206 of 2020

E.Komala

.. Petitioner

-VS-

K.Arunprasad

... Respondent

Prayer: Petition filed under Section 24 of C.P.C. to withdraw and transfer the F.C.O.P. No.90 of 2020 from the file of the Family Court, Thanjavur and to transfer the same to the Sub Court, Bhavani, Erode District.

For Petitioner : Mr.Ali Hassan Khan

For Respondent : No appearance

O R D E R

E.Komala, the petitioner herein has filed this petition for transfer of F.C.O.P. No.90 of 2020 pending on the file of the Family Court, Thanjavur to the file of the Sub Court, Bhavani, Erode District.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 12.07.2006 as per the Hindu rites and customs at Classic Mahal and they were blessed with two children namely, Shridhulla and Krithin on 22.03.2008 and 17.10.2010 respectively out of the wedlock. Learned counsel appearing for the petitioner would further submit that the respondent is a Medical Practitioner and the petitioner is a homemaker and that the petitioner came to know that the respondent developed illicit relationship with his employee namely, R.Meena. When the petitioner confronted the same, the respondent thrown the petitioner out of the matrimonial home along with the children. Thereafter, the petitioner was under care and custody of her parents at Bhavani and the respondent filed a petition in F.C.O.P. No.90 of 2020 under Section 13(1)(i)(a) of the Hindu Marriages Act before the Family Court, Thanjavur for divorce with false allegations. Since the distance between Bhavani and Thanjavur is about 260 kms., it will be highly difficult for the

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petitioner to undertake such a long journey when she being a dependent on her parents along with her two children.

3.Taking note of the fact that neither the counsel for the respondent nor the respondent has chosen to appear to argue the case, although notice has been served and the name of the respondent has been printed in the cause list, which would show that the respondent is not interested in conducting the case and he has no objection in allowing this petition, this Court is inclined to allow this petition. Accordingly, the Transfer C.M.P. stands allowed and the F.C.O.P. No.90 of 2020 pending on the file of the Family Court, Thanjavur is withdrawn and transferred to the file of the Sub Court, Bhavani, Erode District. The Sub Court, Bhavani, Erode District shall dispose of the case expeditiously, on merits and in accordance with law. Consequently, C.M.P. No.10206 of 2020 is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1.The Judge Family Court,
Thanjavur.

2.The Subordinate Judge,
Bhavani, Erode District.

Tr.C.M.P. No.451 of 2020 and
C.M.P. No.10206 of 2020

SVI (CO)
CB(08/12/2020)

सत्यमेव जयते

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