

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P. No.458 of 2020 and C.M.P. No.10638 of 2020

A.Menaka

.. Petitioner

-vs-

B.Manoj Kumar

... Respondent

Prayer: Petition filed under Section 24 of C.P.C. to withdraw and transfer the H.M.O.P. No.1744 of 2019 on the file of the Family Court at Coimbatore and transfer the same to the Sub Court, Perundhurai.

For Petitioner : Mr.Ali Hassan Khan

For Respondent : No appearance

O R D E R

A.Menaka, the petitioner herein has filed this petition for transfer of H.M.O.P. No.1744 of 2019 pending on the file of the Family Court, Coimbatore to the file of the Sub Court, Perundhurai.

2.Learned counsel appearing for the petitioner would submit that after the marriage solemnized on 22.08.2018 as per the Hindu rites and customs at Guruvayur Temple, Kerala between the petitioner and the respondent, their matrimonial home was set up at the parental house of the respondent. Learned counsel appearing for the petitioner would further submit that the respondent is running a private company in the name of 'Blue Tech Solutions' and the petitioner is an unemployed and that the respondent, who has been addicted to alcohol, threatened the petitioner with filthy words to collect the marriage certificate from his father so as to apply divorce for further continuation of his affair with some other woman. Thereafter, the respondent filed a petition in H.M.O.P. No.1744 of 2019 under Section 13(1)(i-a) of the Hindu Marriages Act before the Family Court, Coimbatore for divorce with false allegations. Since the distance between Perundhurai and Coimbatore is more than 100 kms., it will be highly difficult for the petitioner to undertake such a long journey when she being a dependent on her

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parents. I also find merits on the submissions.

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Transfer C.M.P. stands allowed and the H.M.O.P. No.1744 of 2019 pending on the file of the Family Court, Coimbatore is withdrawn and transferred to the file of the Sub Court, Perundhurai. The Sub Court, Perundhurai shall dispose of the case expeditiously, on merits and in accordance with law. Consequently, C.M.P. No.10638 of 2020 is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1.The Judge, Family Court,
Coimbatore.

2.The Subordinate Judge,
Perundhurai.

Tr.C.M.P. No.458 of 2020 and C.M.P. No.10638 of 2020

SAI(CO)
CB(10/12/2020)

सत्यमेव जयते

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