

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.11.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P. Nos.465 and 466 of 2020 and
C.M.P. Nos.11173 & 11177 of 2020

K.R.Vimalaa Shree

..Petitioner in both the cases

-VS-

J.Prabakaran

..Respondent in both the cases

Prayer: Petition filed under Section 24 of C.P.C. to withdraw and transfer the file in H.M.O.P. Nos.512 & 269 of 2019 from the file of the Family Court, Salem and to transfer the same to the file of Family Court, Coimbatore.

For Petitioner : Mr.V.Sekar

For Respondent : No appearance

COMMON ORDER

K.R.Vimalaa Shree, the petitioner herein has filed the petitions for transfer of H.M.O.P. Nos.512 & 269 of 2019 pending on the file of the Family Court, Salem to the file of the Family Court, Coimbatore.

2.Learned counsel appearing for the petitioner would submit that after the marriage solemnized on 30.11.2006 as per the Hindu rites and customs at Salem between the petitioner and the respondent, they moved to Chennai as per the request of the respondent. Thereafter, the respondent insisted the petitioner to go for a job in Chennai and scolded her even for eating good food while she was conceived. Subsequently, they were blessed with a female child namely P.Jositha on 07.02.2008 and she was pressurised by her husband to take up a job without even considering the fact that she has to look after her newly born baby. Learned counsel appearing for the petitioner would further submit that when the petitioner and her child were settled in the respondent's native place at Pethanaickenpalayam during April 2012, the respondent has failed to provide the basic needs of their family. Due to the same, the petitioner driven out from the matrimonial home along with the child and went to the parents' house at Coimbatore. Out of the great difficulties, the

petitioner put her daughter in a CBSE School at Coimbatore, but the respondent, who has never shown any interest for the welfare of his daughter, filed a petition for divorce in H.M.O.P. No.269 of 2019 before the Family Court, Salem. Thereafter, the petitioner filed a petition for restitution of conjugal rights under Section 9 of the Hindu Marriages Act against the respondent in H.M.O.P. No.512 of 2019 before the Family Court, Salem and has also filed an Application in I.A. No.355 of 2019 in H.M.O.P. No.269 of 2019 for granting interim maintenance. Since the petitioner has been residing in her parental home at Coimbatore and depending upon her mother to accompany her to attend for each and every hearing before the Family Court, Salem, she finds it difficult to leave her child during the hearing before the said Court. Therefore, the petitioner is before this Court seeking transfer.

3. Taking note of the fact that neither the counsel for the respondent nor the respondent has chosen to appear to argue the cases, 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.Ps. stand allowed and the H.M.O.P. Nos.512 & 269 of 2019 pending on the file of the Family Court, Salem are withdrawn and transferred to the file of the Family Court, Coimbatore. The Family Court, Coimbatore shall dispose of the cases expeditiously, on merits and in accordance with law. Consequently, C.M.P. Nos.11173 & 11177 of 2020 are closed. No costs.

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1. The Judge, Family Court,
Salem.

2. The Judge, Family Court,
Coimbatore.

+1cc to Mr.V.Sekar, Advocate, SR.No.37026

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BR(CO)
KKV/14/12/2020