

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.467 of 2020

M.Hamritha

.. Petitioner

-vs-

M.A.Kirubakaran

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the F.C.O.P.No.50 of 2020 pending on the file of the Family Court, Erode and transfer the same to Family Court, Salem.

For Petitioner :: Mr.R.Marudhachalamurthy

For Respondent :: No appearance

ORDER

Heard learned counsel for the petitioner through video conferencing due to the Covid-19 pandemic.

2. The petitioner, Mrs.M.Hamritha, Wife of Mr.M.A,Kirubakaran, the respondent herein has filed this transfer civil miscellaneous petition seeking withdrawal of the F.C.O.P.No.50 of 2020 from the file of the Family Court, Erode and transfer the same to the file of the Family Court at Salem.

3. Learned counsel appearing for the petitioner submitted that the petitioner married the respondent on 28.10.2018 as per the Hindu rites and customs and they were leading a happy life for sometime. Subsequently, the respondent and his family members started frequently quarrelling with the petitioner and her family members, on an allegation that she has not fulfilled the dowry demand etc., resultantly, the respondent/husband, who is working in a software company in Chennai, left the petitioner in Erode in the matrimonial home and he went to Chennai to pursue his avocation. When she was living with her mother-in-law in Erode, as she came to know that her mother-in-law was having illegal contact, she opened up the matter with her husband, but they quarrelled and they even went to the extent of persuading the petitioner, as a result, the petitioner came to

her parental home. However, there was a mediation talk held on 16.11.2017. In the said mediation, the respondent asked the petitioner to come to Chennai. As per the request of the respondent, when the petitioner visited Chennai, again the dowry demand was made and they started causing mental agony and cruelty to the petitioner. Therefore, the petitioner moved from Velacherry to Koyambedu bus stand and again reached Salem to her parental home. Now the respondent has filed F.C.O.P.No.50 of 2020 seeking divorce on the ground of cruelty against the petitioner without there being any truth in the petition and they are pursuing the matter. As the petitioner is residing with her parents at Salem, it will be highly difficult to undertake a long journey from Salem to Erode. Therefore, she has been advised to come to this Court seeking for withdrawal and transfer of the F.C.O.P.No.50 of 2020 from the file of the Family Court, Erode to the file of the Family Court, Salem.

4. After the summon was issued calling upon the respondent to appear, no one has appeared before this Court. When the respondent, after receipt of summons, has failed to appear before the Court, his conduct clearly shows that he has no objection for allowing the transfer plea. Secondly, the petitioner is residing in Salem with her parents, whereas the respondent is working in Chennai. On the other hand, he has filed the F.C.O.P.No.50 of 2020 on the file of the Family Court, Erode. Therefore, whether the matter is pending on the file of the Family Court at Erode or Salem, no prejudice is going to be caused to the respondent, who is working in Chennai. Since the respondent has to appear before the Family Court, Erode to contest the case, in the same breath, he can also easily travel to Salem. Therefore, the F.C.O.P.No.50 of 2020 is withdrawn from the file of the Family Court, Erode and transferred to the file of the Family Court, Salem for disposal on merits and in accordance with law. The learned Family Court Judge, Salem is also directed to consider giving the benefit of appearance through video conference to the respondent, if there is any request made thereon, as he is working in Chennai. With this observation, the transfer civil miscellaneous petition stands allowed. Consequently, C.M.P.Nos.11211 & 11212 of 2020 are closed.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

SS

To

1. The Family Court
Erode

2. The Family Court
Salem

+1 cc to M/s.R.Marudhachalamurthy, Advocate Sr.No. 35988

Tr.C.M.P.No.467 of 2020

SS (CO)
RMP (08/12/2020)



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