



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.281 of 2021
and
C.M.P.No.7221 of 2021

Krishnaveni @ Nithya

... Petitioner

Vs.

N.Suresh

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw the H.M.O.P.No.52 of 2019, pending on the file of learned Sub-Judge, Coonoor, The Nilgiris District and transfer to Family Court, Coimbatore.

For Petitioner : Mr.C.D.Johnson

For Respondent : No appearance

O R D E R

The Petition has been filed seeking to withdraw the H.M.O.P.No.52 of 2019, pending on the file of learned Sub-Judge, Coonoor, the Nilgiris District and transfer the same to the Family Court, Coimbatore.

2.Despite notice having been served on the respondent on 20.04.2021, the respondent did not appear and no one has represented on his behalf.

3.The petitioner is the wife and the marriage between the petitioner and the respondent was solemnized on 29.05.2006 at Bickol village, Nilgiris. It is stated by the petitioner / wife that the respondent / husband has filed a petition for dissolution of marriage u/s.13(1)(ia) of the Hindu Marriage Act in H.M.O.P.No.52 of 2019 before the Sub-Court, Coonoor on the ground of cruelty.

4.The petitioner has come up with the present transfer petition to transfer the proceedings in H.M.O.P.No.52 of 2019, pending on the file of Sub-Court, Coonoor to the Family Court, Coimbatore citing her inconvenience. It is trite law that the convenience of the wife / petitioner will be a relevant factor to transfer the proceedings in matrimonial cases. In this case, the petitioner states that she is living with her parents from the year 2013 and the petitioner has got two sons through the respondent / husband. The present petition has



been preferred mainly on the ground of convenience. Since the petitioner also states that the respondent had never given any money towards maintenance, she has sought to withdraw and transfer the petition in H.M.O.P.No.52 of 2019 pending on the file of the Sub-Court, Coonoor. The respondent also after receipt of the notice sent through Court, had failed to appear to refute the allegations stated in the petition.

5.This Court is of the view that the respondent has nothing to deny the averment and allegations made against him in the affidavit filed in support of the petition.

6.Considering the fact that the distance between the two Courts and the inconvenience that has been pointed out and highlighted by the learned counsel appearing for the petitioner / wife, this Court is inclined to transfer the H.M.O.P.No.52 of 2019 pending on the file of Sub Court, Coonoor to the file of the Family Court, Coimbatore.

7.In the result, this Transfer Civil Miscellaneous Petition is allowed as prayed for. The proceedings pending in H.M.O.P.No.52 of 2019 on the file of the learned Sub-Judge, Coonoor, the Nilgiris District are hereby withdrawn and transferred to the file of the Family Court, Coimbatore. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub-Judge, Coonoor, The Nilgiris District.
2. The Family Court, Coimbatore.

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PMK (CO)
K.RK. (20.07.2021)