



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

THE HON'BLE MR. JUSTICE S.S.SUNDAR

TR CMP No.237 of 2021 and
CMP No.6463 of 2021

Seetha

...Petitioner

Vs

Vegnesh

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleaded to pass an order of transfer of HMOP No.4 of 2021 pending before the learned Subordinate Judge at Thirupattur to learned Family Judge at Cuddalore.

For Petitioner : Mr.S.Manivasagam

For Respondent : No appearance

O R D E R

This Transfer Miscellaneous petition is filed by the wife for withdrawal and transfer of proceedings in HMOP No.4 of 2021 pending before the Sub Court, Thirupattur to Family Court, Cuddalore.

2. This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife on the ground of inconvenience. It is admitted that the marriage between the petitioner and the respondent was solemnized on 23.01.2017. The husband/respondent filed a petition for divorce under Section 13 (1) (2a) and (ib) of the Hindu Marriage Act. According to the petitioner, the petition for divorce filed by the husband is only to harass the petitioner. It is submitted that the petitioner is residing in the place which is more than 200km away from the place where HMOP No.4 of 2021 is now pending. However, being a lady, she is unable to travel such a long distance without the support of a male member or relatives. Stating that there is no one to support her in her family, she has come forward with the present Transfer petition.



3. Despite service of notice to the respondent on 30.04.2021, the respondent has not chosen to appear before this Court either in person or through counsel duly instructed, which shows that the respondent/husband has nothing to deny the averments stated in the affidavit filed in support of the petition filed by the petitioner/wife for transfer of HMOP No.4 of 2021.

4. Considering the facts and circumstances of the case, this Court is of the view that it would be in the interest of justice to give a fair opportunity to the petitioner/ wife to defend the petition for divorce. Hence, this Transfer Civil Miscellaneous petition is allowed and the petition in HMOP No.4 of 2021 on the file of the Subordinate Court, Thirupattur is withdrawn and transferred to the Family Court, Cuddalore. In case, the petitioner/wife fails to attend continuously for two hearings, it is open to the respondent / husband to review this order.

Consequently, connected miscellaneous petition is closed.
No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Subordinate Judge,
The Subordinate Court,
Thirupattur
2. The Judge,
The Family Court,
Cuddalore.

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LN (CO)
K.RK. (02.08.2021)