



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.230 of 2021
and C.M.P. Nos.6396 & 6397 of 2021

C.Banupriya

..Petitioner/Respondent

Vs

Sridhar

..Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer HMOP No.16 of 2020 pending on the file of Sub Court at Uthankarai and transfer the same to Family Court in Chengalpet.

For Petitioner : Mr.P.K.Ganesh

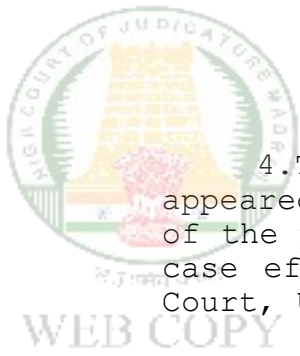
For Respondent : No Appearance

O R D E R

This petition has been filed to withdraw the case in HMOP No.16 of 2020 pending before the Sub Court, Uthankarai and transfer the same to the Family Court, Chengalpet.

2.This transfer civil miscellaneous petition is filed by wife. The marriage between the petitioner and the respondent was solemnized on 04.02.2018 and the parties are Hindus. The respondent husband filed a petitioner for divorce in HMOP No.16 of 2020 and it is pending before the Sub Court, Uthankarai.

3.It is the case of the petitioner that the respondent and his family tortured her and demanded dowry and that she could not continue in the matrimonial relationship with the respondent for valid reasons. Since the petitioner has to travel from Chengalpet to Uthankarai, Krishnagiri District which is about 200 Kms, the petitioner has approached this Court for transfer on the ground of convenience. It is stated that the petitioner's father died and her mother alone is taking care and accompanying her for every hearing. Since the petitioner's mother is also taking treatment, the petitioner requests to withdraw and transfer the case.



4.The respondent has not filed any counter affidavit nor has appeared either in person or by counsel. It is the definite case of the petitioner that she may not be able to defend the divorce case effectively if the proceedings are to be tried before Sub Court, Uthankarai.

5.Having regard to the circumstances, this Court is of the view that the wife may be given some indulgence in the matter of transfer, as it has been repeatedly held by this Court and the Hon'ble Supreme Court. Since the respondent has failed to appear and object this transfer, this Court proceeds to think that the respondent has nothing to deny or dispute the averments made in the petition, at least with regard to the transfer.

6.Accordingly, this transfer civil miscellaneous petition is thus allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Sub Court, Uthankarai.

2. The Family Court, Chengalpet.

+lcc to Mr.P.K.Ganesh, Advocate, S.R.No.30967

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BS (CO)
BE (30/07/2021)