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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.185 OF 2021

AND

C.M.P.NO.5511 OF 2021

J.B.Jona Jasmine Chindya ... Petitioner/Respondent

Vs

S.Samson Sundar ... Respondent/Petitioner

PRAYER:-

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the case IDOP. No.124 of 2021 filed by the respondent from the Family Court, Salem, Salem District and transfer to file of Family Court at Srivilliputtur, Virudhunagar District.

For Petitioner : Mr.E.V.Chandru @ E.Chandrasekaran

For Respondent : No Appearance

O R D E R

This petition has been filed to withdraw the case in IDOP No.124 of 2021 pending before the Family Court, Salem, Salem District and transfer the same to the Family Court, Srivilliputtur, Virudhunagar District.

2. Despite notice being served on the respondent on 31.03.2021, the respondent has not chosen to appear. No one has filed vakalat for the respondent. Hence, this Court proceeds to hear the matter by setting the respondent ex-parte.

3. This transfer civil miscellaneous petition is filed by wife. The petitioner is residing in Rajapalayam in Virudhunagar District. The marriage between the petitioner and the respondent was solemnized on 26.08.2013 and the petitioner gave birth to a child on 02.02.2017. The petitioner and the respondent could not continue in relationship. It is stated that she was driven out



from the matrimonial home. It is the case of the petitioner that the respondent was treating her with cruelty and that she is now residing with her mother and a four year old child. It is stated that the petitioner has no other financial support than the sum of money directed by the learned Judicial Magistrate towards maintenance. The respondent has filed a petition for divorce before the Family Court, Salem. The petitioner has approached this Court seeking transfer purely on the ground of convenience.

4. It is the specific case that the distance between Salem and Rajapalayam is about 330 Kms and that she cannot travel such long distance with her four year child. In the petition filed by the husband for divorce, the respondent should be given a fair opportunity to defend the case relating to the matrimonial dispute. When the wife seeks transfer on the ground of her convenience, it can be considered. This Court has gone through the affidavit filed in support of the petition. This Court is of the view that the petitioner has a bonafide cause for transfer. Since the respondent has not chosen to appear, this Court takes it that the respondent has nothing to dispute the averments at least regarding the transfer of proceedings.

5. Having regard to the facts narrated in the affidavit filed in support of this petition, this Court is fully convinced that the petitioner should not be put to much inconvenience by travelling such a long distance. Hence this Court is inclined to allow this petition. Accordingly, I.D.O.P.No.124 of 2021 pending on the file of the Family Court, Salem, Salem District, is hereby withdrawn and transferred to Family Court, Srivilliputtur, Virudhunagar District.

6. This transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Judge,
The Family Court,
Salem, Salem District.



2. The Judge,
The Family Court,
Srivilliputtur,
Virudhunagar District.

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