



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.254 of 2021
and
C.M.P. No.6920 of 2021

Lakshmi

.. Petitioner

Vs

Suresh

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer the proceedings in F.C.O.P. No.282 of 2020 on the file of the Hon'ble Family Court, Ariyalur to Sub-Court, Neyveli.

For Petitioner : Mr. M.Subash Pandiyan

For Respondent : No appearance

O R D E R

Since notice sent to respondent is returned with an endorsement "Refused", this Court is inclined to dispose of the case on merits.

2. This petition is filed to withdraw and transfer the proceedings in F.C.O.P. No.282 of 2020 on the file of the Family Court, Ariyalur to Sub-Court, Neyveli. The petitioner is the wife. It is admitted that the respondent filed a petition for divorce in H.M.O.P. No.2 of 2020 before the Sub Court, Ariyalur. Later it was transferred to Sub Court, Jayangondom and renumbered as H.M.O.P. No.103 of 2017. Thereafter it was dismissed for default and the respondent filed a restoration petition and the said case was transferred to Family Court, Ariyalur and renumbered as F.C.O.P. No.282 of 2020 and the same is pending. The petitioner filed petitions in D.V.C. No.6 of 2017 and M.C. No.4 of 2017 before the District Munsif cum Judicial Magistrate Court, Neyveli. The petitioner wife states that she is unemployed and is living with her child and her parents. It is stated by the petitioner that the respondent husband failed to maintain the petitioner and her child and that there are no sources to support herself and her child. He further states that her child is aged about five years and that she is unable to travel long distance and hence seeks transfer of the case from Family Court, Ariyalur



to Sub Court, Neyveli.

3. This Court, taking note of the facts stated in the affidavit filed in support of the petition, is inclined to entertain this petition. Since the respondent refused to receive notice, this Court proceed on the basis that the respondent has nothing to defend the case on merits. Accordingly, F.C.O.P. No.282 of 2020 on the file of the Family Court, Ariyalur is hereby withdrawn and transferred to Sub-Court, Neyveli.

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

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

bkn

To

1.The Family Court, Ariyalur.

2.The Sub-Court, Neyveli.

Tr. C.M.P. No.254 of 2021

GSM(CO)
GMY(19/07/2021)