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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Tr.CMP.No.245/2021 7 CMP.No.6768/2021

[Video Conferencing]

Chandira @ V.Sri Alarmelu

..Petitioner/Respondent

Vs

G.Kalyanasundaram

..Respondent/Petitioner

Prayer:- Petition filed under Section 24 of the Code of Civil Procedure, to withdraw FCOP No.86/2021 on the file of the Family Court, Erode and to transfer the same to the Learned Sub Court, Kangeyam.

For Petitioner	:	Mr.N.Manokaran
For Respondent	:	No appearance

ORDER

1. This petition has been filed by the petitioner/wife seeking transfer of the matrimonial proceedings in FCOP No.86/2021 pending on the file of the Family Court, Erode to the file of the Sub Court, Kangeyam, on the ground of convenience.
2. When the matter came up for hearing on 15.04.2021, this Court directed notice to the respondent through Court as well as privately returnable in three weeks. It is seen from the records that though the respondent has received both the Court notice as well as the private notice on 24.04.2021 and 20.04.2021 respectively and though his name and address is printed in the cause list, he has not appeared in person or through a counsel and hence, this Court is of the view that he is not interested in defending and the respondent is set ex-parte and this Court, proceeds to dispose of the case on merits.
3. The case of the petitioner is that the marriage between the respondent and her was solemnised on 08.09.2017 at Vellakoil and out of the wedlock, she begot a male child. To the shock and surprise of the petitioner, the respondent had filed FCOP NO.86/2021 on the file of the Family Court



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at Erode, for dissolution of marriage on the ground of mental cruelty and desertion. It is the grievance of the petitioner that she is having 2 ½ year old child and that, she finds it extremely difficult to travel from Vellakoil to Erode to attend the proceedings in FCOP No.86/2021 without any help or assistance. She would further state that she is now residing with her aged parents and that the petitioner will have a fair opportunity to defend the case filed by her husband/respondent only if the proceedings are transferred to the file of the Sub Court, Kangeyam. Hence, she prays for transfer of the proceedings.

4. In a petition filed by the husband for divorce, convenience of the wife will always be relevant. It is also to be noted at this juncture, that the Sub Court, Kangeyam, is also having the jurisdiction to try the case.
5. Considering the fact that the petitioner/wife has got no family members to support or accompany her for every hearing to Erode and that it would be difficult for her to travel a long distance to attend the court proceedings, this Court, in the interest of justice, is of the considered view that the proceedings pending on the file of the Family Court, Erode, can be transferred to the file of the Sub Court at Kangeyam.
6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the proceedings in FCOP No.86/2021 filed by the respondent/husband seeking dissolution of marriage, pending on the file of the Family Court at Erode, is withdrawn and transferred to the file of the Sub Court, Kangeyam. The learned Subordinate Judge, Kangeyam, is directed to expedite the trial and dispose of the matrimonial proceedings in FCOP.No.86/2021 as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. If the petitioner/wife fails to appear consecutively for two hearings or more, the respondent/husband will have an option to seek re-transfer of the proceedings. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar



AP

To

1.The Judge
Family Court
Erode.

2.The Subordinate Judge
Kangeyam

+1 CC to Mr.N.Manokaran, Advocate sr 31678.

Tr.CMP.No.245/2021

GJ(CO)
SP(10/08/2021)