



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.278 of 2021
and
C.M.P. No.7196 of 2021

Lekha

.. Petitioner

Versus

S.Prabhu

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the petition in H.M.O.P. No.46 of 2019 from the file of Sub Court, Ulundurpet and to transfer the same to the Family Court, Tiruppur.

For Petitioner : Mr. J.Franklin

For Respondent : No appearance

O R D E R

Despite notice having been served on respondent as early as on 10.05.2021, no one entered appearance on behalf of the respondent. Since sufficient opportunity has already been given to the respondent, this Court proceed further to dispose of this petition on the basis of averments made in this petition. The respondent is set ex-parte.

2. This transfer petition is filed to withdraw the petition in H.M.O.P. No.46 of 2019 from the file of Sub Court, Ulundurpet and to transfer the same to the Family Court, Tiruppur. The petitioner is the wife. The marriage between the petitioner and the respondent was solemnized on 27.11.2011. The respondent husband filed a petition for divorce under Section 13(1)(a) of the Hindu Marriage Act, 1955, before the Sub Court, Ulundhurpet, on the ground of cruelty. It is stated that the petitioner is living with her child, aged 8 year. It is the case of the petitioner that the respondent failed to take care of her and has not contributed to the needs or studies of their minor son. The petitioner is the resident of Tiruppur and therefore, she seeks withdrawal and transfer of case purely on the ground of convenience.

3. In a petition filed by the husband for divorce, the convenience of wife is relevant. Since the petitioner is



residing at Tiruppur, along with her minor child, attending hearing at Sub Court, Ulundurpet, will be more inconvenient. Therefore, this Court is inclined to allow this petition as prayed for. Accordingly, H.M.O.P. No.46 of 2019 is hereby withdrawn from the file of Sub Court, Ulundurpet and transferred to the Family Court, Tiruppur.

4. This Transfer Civil Miscellaneous Petition is thus allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Court, Ulundurpet.
2. The Family Court, Tiruppur.

Tr. C.M.P. No.278 of 2021

RSV(CO)
K.RK. (20.07.2021)