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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.267 of 2021
and
C.M.P.No.7067 of 2021

Nithya

... Petitioner

Vs.

Ganesh Kumar

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw the H.M.O.P.No.198 of 2018, pending on the file of Principal Subordinate Court, Mayiladuthurai and transfer the same to the file of the Family Court, Mannargudi for disposal along with M.C.No.24 of 2020 on the file of Family Court, Mannargudi.

For Petitioner : Mr.T.Paranthaman

For Respondent : No appearance

O R D E R

The petition has been filed under Section 24 of C.P.C., seeking to withdraw the H.M.O.P.No.198 of 2018, pending on the file of Principal Subordinate Court, Mayiladuthurai and transfer the same to the file of the Family Court, Mannargudi for disposal along with M.C.No.24 of 2020.

2.Though notice has been served on the respondent through Court on 26.04.2021, he has not appeared before this Court and no one was engaged to represent on his behalf. Taking into account the grievance of the petitioner and the facts stated in the affidavit filed in support of the transfer petition, the respondent is set exparte by this Court from the further proceedings and to contest the matter.

3.The petitioner is the wife and the marriage between the petitioner and respondent was solemnized on 05.06.2017 at Kuttalam in Myladuthurai District. Unfortunately, the petitioner and the respondent could continue with their



relationship only for a short period about two weeks. The petitioner has made a complaint alleging that the respondent and her in laws have demanded dowry. The respondent has filed a petition in H.M.O.P.No.198 of 2018 on the file of the Principal Subordinate Court, Myladudurai for divorce on the ground of cruelty. The petitioner has also filed a petition in M.C.No.24 of 2020 for maintenance, which is pending on the file of the Family Court, Mannargudi.

4.It is the case of the petitioner that being a lady she finds it difficult to travel all along from the village to Myladudurai which is about 70 kms. from her home town to contest the case. The petitioner apart from making allegations that the respondent has threatened her, has also stated that she will not get a fair opportunity to defend her case in the divorce petition filed by the respondent unless the proceedings in H.M.O.P.No.198 of 2018 are transferred to the Family Court, Mannargudi for disposal along with M.C.No.24 of 2020. She would further state that the proceedings in M.C.No.24 of 2020 are also pending on the file of the Family Court, Mannargudi.

5.This Court is of the view that the transfer of H.M.O.P.No.198 of 2018 from Myladudurai to Mannargudi will be in the interest of both the parties. The petitioner being a lady her convenience is also one of the relevant factors to transfer the case. Therefore, this Court is inclined to allow this petition.

6.In the result, this Transfer Civil Miscellaneous Petition is allowed. The petition filed in H.M.O.P.No.198 of 2018, pending on the file of Principal Subordinate Court, Mayiladuthurai is hereby withdrawn and transferred to the file of the Family Court, Mannargudi and to be tried along with the petition filed by the petitioner in M.C.No.24 of 2020 for disposal. It is expected that the petitioner should cooperate for early disposal. In case the petitioner fails to attend the Court continuously for two hearings, the respondent / husband is given liberty to seek for re-transfer of the case by filing a separate petition. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Kas



To
1.The Principal Subordinate Court
Mayiladuthurai.

2.The Family Court
Mannargudi

+2cc to Mr.T.Paranthaman, Advocate SR.29929

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AR (CO)
CB (16/07/2021)