



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.C.M.P.No.914 of 2021

&

C.M.P.No.20392 of 2021

K.Suryapriya

...Petitioner/ Respondent

Vs

P.Kalaiselvan

... Respondent/ Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the case in H.M.O.P.No.79 of 2021 pending on the file of the Family Court, Cuddalore and transfer the same to the Family Court, Vizhupuram.

For Petitioner : Mr.A.Mohamed Ismail

For Respondent : No Appearance

ORDER

The respondent wife is before this Court seeking transfer of H.M.O.P.No.79 of 2021 from the file of the Family Court, Cuddalore to the file of the Family Court, Vizhupuram, filed by the respondent for seeking a divorce.

2.The learned counsel for the petitioner would submit that the petitioner and respondent were married on 07.02.2020 at Vizhupuram. Two of them had set up their matrimonial home at Cuddalore. After some time, the petitioner was subjected to great deal of harassment and cruelty which compelled her to leave her matrimonial home and return to her parent's home. Thereafter, the respondent filed a petition for divorce on the file of the Family Court, Cuddalore. Since the matter is before the Family Court, Cuddalore, the petitioner has to travel all the way to Cuddalore to attend hearing, whereas, she is now residing at Vizhupuram. That apart, the learned counsel would contend that the petitioner is working as an Assistant Lecturer in E.S.Engineering College, Vizhupuram.



3. In these circumstances, if she is made to travel to Cuddalore for every hearing it would be a great strain on her and she would have to take a day off for attending the hearing. Therefore, the learned counsel would submit that transfer has to be ordered. The respondent though served had not entered appearance either in person or through counsel.

4. Heard the learned counsel and perused the records.

5. Admittedly, the petitioner is residing at Vizhupuram and divorce proceedings are pending before the Family Court, Cuddalore, where the presence of the petitioner to every hearing is mandatory.

6. The petitioner is also employed as an Assistant Lecturer and that apart Section 19 of the Hindu Marriage Act, 1955, confers Jurisdiction on the place of residence of the respondent wife.

7. Under these circumstances, the request for transfer is justified and accordingly, the petition is allowed. H.M.O.P.No.79 of 2021 pending on the file of the Family Court, Cuddalore is withdrawn and transferred to the file of the Family Court, Vizhupuram. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Family Court, Cuddalore

2.The Family Court, Vizhupuram

+1cc to M/s.A.Mohamed Ismail, Advocate, S.R.No.8417

Tr.C.M.P.No.914 of 2021

AK(CO)
SB(21/02/2022)