



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HON'BLE MR. JUSTICE S.S.SUNDAR

TR CMP No.259 of 2021 and
CMP No.6962 of 2021

Prabhavathy

..Petitioner/Respondent

Vs

Sudhakar

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleased to withdraw HMOP No.44 of 2021 on the file of the Sub Court, Harur and transfer the same to the file of the Family Court, Tiruvannamalai.

For Petitioner : Mr.M.Mariappan

For Respondent : No appearance

O R D E R

This Transfer Civil Miscellaneous petition is preferred by the wife to withdraw HMOP No.44 of 2021 pending on the file of the Sub Court, Harur and to transfer the same to the Family Court, Tiruvannamalai.

2. The petitioner seeks transfer mainly on the ground of her convenience. It is stated that the marriage between the petitioner and the respondent was solemnized on 22.01.2018 at Kailayapuram Vetrivel Murugan Temple, Harur Taluk, Dharmapuri District and they were blessed with a female child who is tender in age. The respondent/husband filed HMOP NO.44 of 2021 on the file of the Sub Court, Harur for divorce on the ground of cruelty. It is the case of the petitioner that the respondent ill treated her and that she could not live with the respondent. It is further stated that being a lady, she is unable to travel from her permanent place of residence to Harur where the case has been filed by the husband, without assistance of someone. It is also stated that the respondent is not providing any assistance to the petitioner and her child for maintenance.

3. Despite service of notice to the respondent on 13.04.2021, the respondent has not chosen to appear before this Court either in person or through counsel duly instructed, which shows that the respondent/husband has no serious reason to deny the averments stated in the affidavit filed in support of the



petition filed by the petitioner/wife for transfer of HMOP No.44 of 2021.

4. Considering the grievance expressed by the petitioner and the facts narrated in this petition, this Court is of the view that it would be in the interest of justice to give a fair opportunity to the petitioner/ wife to contest the case. Therefore, this Court disposes of the present Transfer Civil Miscellaneous Petition with the following directions:

i. The petition in HMOP No.44 of 2021, now pending on the file of the Sub Court, Harur is withdrawn and transferred to the Family Court, Tiruvannamalai.

ii. In case the petitioner/ wife fails to appear consecutively for two hearings, the respondent / husband will have an option to seek re-transfer to his convenience;

Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Sub Judge, Harur.
2. The Judge, The Family Court, Tiruvannamalai.

+lcc to Mr.M.Mariappan,Advocate, SR No.30504

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NRL(CO)
B.VC (02/08/2021)