



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2015

CORAM :

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

TR.CMP(MD)No.407 of 2014

and M.P(MD)No.1 of 2014

K.Panjali

...Petitioner/Respondent

Vs.

S.Kaliraj

...Respondent/Petitioner

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in H.M.O.P.No.98 of 2013, on the file of Sub Court, Tambaram and transfer the same preferable to the file of the Sub Court, Sankarankoil or to any other nearby Sub Courts.

For Petitioner : Mr.AR.Jeyarhuthram

For Respondent : Mr.D.Srinivasa Raghavan

O R D E R

The petitioner is the wife. The respondent is the husband.

2. The respondent herein has filed H.M.O.P.No.98 of 2013, on the file of Sub Court, Tambaram, seeking divorce.

3. The wife has filed this transfer application, seeking transfer of H.M.O.P.No.98 of 2013, pending on the file of Sub Court, Tambaram, to the file of the Sub Court, Sankarankoil.

4. There is a communication by the learned Subordinate Judge, Tambaram, to the Registrar General of this Court vide his letter, dated 22.01.2015 stating that H.M.O.P.No.98 of 2013 was disposed by an ex-parte decree on 02.09.2014. It is stated that the wife was set ex-parte on 01.07.2014 and on 21.08.2014 ex-parte evidence was taken and ex-parte decree was passed on 02.01.2014. While so, this Court on 05.01.2015 granted stay of all further proceedings. Hence, the learned Sub Judge, wrote the aforesaid letter.

5. Since stay order was passed by this on 17.12.2014, after disposal of H.M.O.P.No.98 of 2013 on 02.01.2014, I am of the view that the stay order could have no effect. It is for the petitioner to take appropriate steps, if so advised, to set aside the exparte order.

6. In the result, the Transfer Civil Miscellaneous Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

The Subordinate Judge, Tambaram, Chennai.

+1CC to M/s.D.Srinivasa Raghavan, Advocate in SR.6054

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