

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.12.2016

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.169 of 2015

R.Thenmozhi

.. Petitioner

Vs.

T.Raghupathy @ Raghu

.. Respondent

Petition filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.3480 of 2014 on the file of the Hon'ble Principal Family Court, Chennai and transfer the same to the file of the Family Court, Chengalpattu to be tried along with H.M.O.P.No.197 of 2014.

For Petitioner : Mr.G.Kaviyarasu
For Respondent : Ms.P.Selvi

O R D E R

This Transfer miscellaneous petition is filed by the wife seeking transfer H.M.O.P.No.3480 of 2014 on the file of the Principal Family Court, Chennai to be tried along with H.M.O.P.No.197 of 2014 on the file of the Family Court, Chengalpattu.

2. It is seen from the records that H.M.O.P.No.3480 of 2014 was disposed of as early as on 11.06.2015. The report was called for from the learned Principal Judge, Family Court, Chennai as to whether H.M.O.P.No.3480 of 2014 was disposed of on 11.06.2015. This Court had granted interim stay on 12.03.2015.

3. In the report dated 12.12.2016, it has been stated that the then Additional charge of Principal Judge, Family Court, Chennai had assumed charge as Principal Judge, Family Court, Chennai on 27.07.2016 and the said case was disposed of by her predecessor in Office.

4. Both the parties are aware of the proceedings and they ought to have informed about the grant of interim stay before the said Court. However, without doing so, they have proceeded with the matter. Both the counsels were unable to say as to what had happened to H.M.O.P.No.3480 of 2014 and whether it was disposed of on merits or dismissed for default. As on date, there is no H.M.O.P pending on the file of the Principal Family Court, Chennai to transfer the same to the file of the Family

Court, Chengalpattu.

5. It is also stated by the learned counsel for the petitioner that no restoration petition has been filed till today, though it is more than 1-1/2 years after H.M.O.P.No.3480 of 2014 was disposed of.

6. Hence, this transfer Civil Miscellaneous Petition is disposed of. It is open to the parties to file a Transfer O.P, in case, H.M.O.P.No.3480 of 2014 is restored. No costs.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

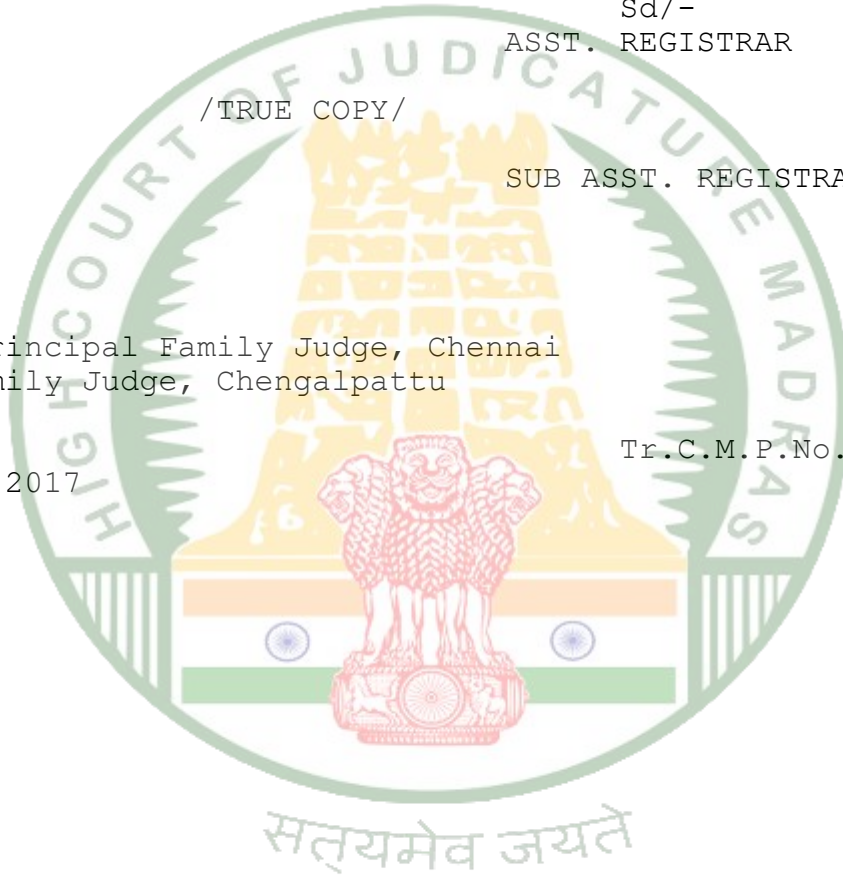
SUB ASST. REGISTRAR

To

1. The Principal Family Judge, Chennai
2. The Family Judge, Chengalpattu

Tr.C.M.P.No.169 of 2015

MMP 03.01.2017



WEB COPY