

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.270 of 2015

and

M.P.No.1 of 2015

Jagadeswari
W/o.Karthikeyan,
No.2/565, Indira Gandhi Nagar,
Basthi, Hosur,
Krishnagiri District. ... Petitioner

Vs

Karthikeyan
S/o.T.S.Mani,
Old No.3/C, New No.17,
Dr.Srinivasan Street,
Tirupathur Town,
Tirupathur, Vellore District ... Respondent

Petition filed under Section 24 of the Civil Procedure Code to withdraw and transfer H.M.O.P.No.16 of 2015 pending on the file of the Subordinate Judge, Tirupathur, Vellore District to the file of the Sub Court, Hosur, Krishnagiri District.

For Petitioner : Mr.G.M.Anantha Kumar

For Respondent : Mr.Pa.Sudesh Kumar

O R D E R

This is a petition seeking transfer of H.M.O.P.No.16 of 2015 filed by the respondent herein on the file of District Court, Tirupathur, Vellore District for restitution of conjugal rights, to the file of Sub Court, Hosur, Krishnagiri District.

2. The wife is the petitioner in the Transfer Civil Miscellaneous Petition. Though an order recording undertaking of the respondent to pay maintenance pending disposal of the transfer Civil Miscellaneous Petition came to be passed on 24.07.2015, now the learned counsel for the respondent submits that the Transfer Civil Miscellaneous petition itself has become infructuous in view of the fact that the H.M.O.P, which is sought to be transferred namely H.M.O.P.No.16 of 2015, has been

dismissed as not pressed by the Sub Court, Tirupathur. The learned counsel for the respondent has also produced a certified copy of the order in H.M.O.P.No.16 of 2015 on the file of Sub Court, Tirupathur. The said order came to be passed on 23.09.2015 by the learned Subordinate Judge, Tirupathur, dismissing H.M.O.P.No.16 of 2015 as not pressed. The certified copy of the memo based on which, the said order came to be passed has also been produced.

3. In view of the same, the Transfer Civil Miscellaneous Petition has become infructuous. Accordingly, the Transfer Miscellaneous Petition is dismissed as infructuous. No costs. Connected, the miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Subordinate Judge,
Tirupathur, Vellore District
2. The Sub Court,
Hosur, Krishnagiri District.

+1cc to Mr.P.A.Sudeshkumar, Advocate, S.R.No.9476

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kgk (CO)
srg (01/03/2016)

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