

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.822 of 2015 and

MP.No.1 of 2015

Alphonse Diana

...Petitioner/Respondent

versus

James Nagaraj

...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw D.O.P.No.153 of 2015 on the file of IV Additional District Judge, Tirunelveli and to transfer the same to same to the Family Court, Salem.

For Petitioner : Mr.P.Jagadeesan

For Respondent : Mr.N.Ponraj

O R D E R

The respondent in D.O.P.No.153 of 2015 on the file of the learned IV Additional District Judge, Tirunelveli, has come up with this petition for transfer of the proceedings to a Court at Salem.

2. When this petition came up for hearing on 20.10.2016, the learned counsel for the petitioner took time to take instructions as to whether evidence has already been commenced.

3. When the matter was taken up, the learned counsel for the petitioner submitted that he has no instructions from the petitioner.

4. The learned counsel for the respondent reiterated his submission that the matter is now posted for the evidence of the petitioner, who is the respondent in D.O.P.No.153 of 2015.

5. Since the Trial Court has already commenced the proceedings for recording evidence, there is no question of transferring the matter to another Court at this point of time. I am therefore of the view that there is no need for transfer of the proceedings from the file of IV Additional District Court, Tirunelveli to any other Court.

6. The learned IV Additional District Judge, Tirunelveli is directed to dispose of the proceedings in D.O.P.No.153 of 2015, as expeditiously as possible, and in any case on or before 31.03.2017.

7. The Transfer Civil Miscellaneous Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

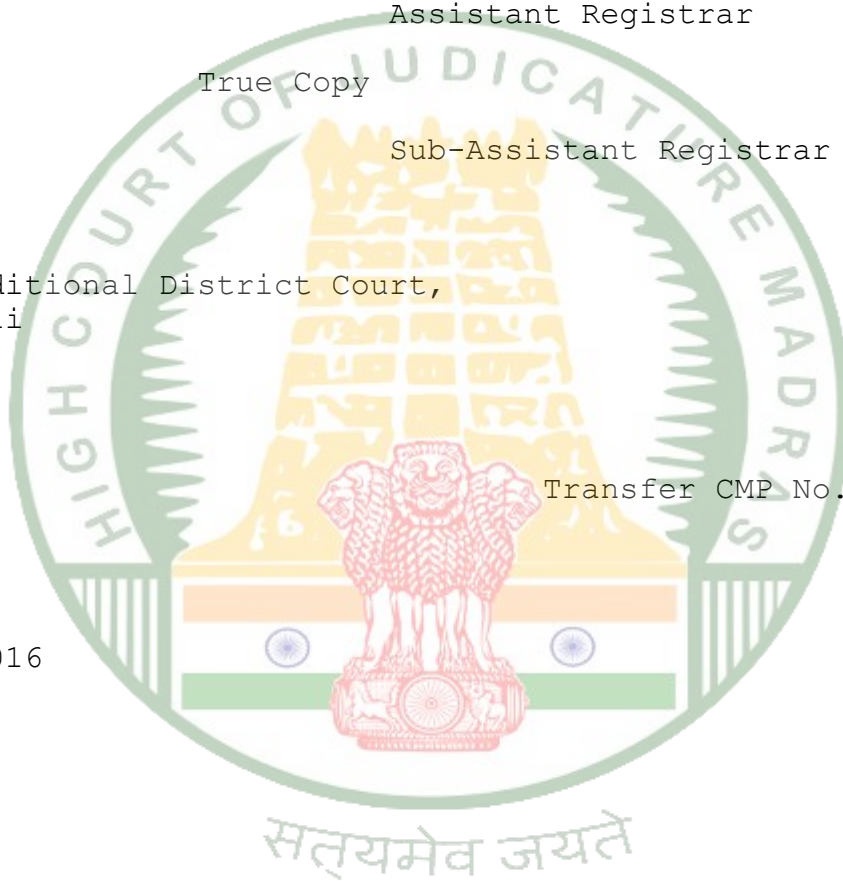
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Sub-Assistant Registrar

To
The IV Additional District Court,
Tirunelveli

Transfer CMP No.822 of 2015

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