

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P. No.915 of 2015
and M.P.No.1 of 2015

S.Arumugam ... Petitioner/Petitioner

Vs.

Nadhiya ... Respondent/Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying, to withdraw the H.M.O.P.No.69 of 2012 pending on the file of the Family Court, Thiruvallur and transfer the same to the Sub Court, Arakkonam, Vellore District.

For Petitioner : Mr.M.V.Muralidaran

O R D E R

The petitioner/husband in H.M.O.P.No.69 of 2012 has come forward with this petition to transfer the same from the file of the Family Court, Thiruvallur to the file of the Sub Court, Arakkonam, Vellore District stating that the respondent/wife is an influenced person. It is further stated in the affidavit that an exparte decree has been passed in H.M.O.P.No.69 of 2012. The respondent/wife has filed an application in I.A.No.24 of 2014 to condone the delay of 135 days in filing the application to set aside the exparte decree. The said application was allowed. Against which, the petitioner herein preferred a revision in C.R.P.No.4503 of 2014, wherein notice was ordered. Since adjournment as sought for by the petitioner has not been granted, he has come forward with this petition to transfer the H.M.O.P.No.69 of 2012 from the file of the Family Court, Thiruvallur to the file of the Sub Court, Arakkonam, Vellore District.

3.Heard the learned counsel for the petitioner and perused the typed set of papers.

4.The petition/husband himself filed a petition in H.M.O.P.No.69 of 2012 for divorce before the Family Court, Thiruvallur stating that he is residing within the jurisdiction of Thiruvallur District and the respondent/wife

is also residing within the same jurisdiction. An exparte decree was passed in H.M.O.P.No.69 of 2012. The respondent/wife has filed an application to condone the delay in filing the application to set aside the said application and the same was allowed. Against which, the petitioner herein has preferred a revision. But the since the Court has not given any adjournment as sought for by the petitioner, immediately he has come forward with this transfer petition. Hence, without notice to the respondent I am of the view that the Transfer Civil Miscellaneous Petition deserves to be dismissed as devoid of merits.

5.In the result, the Transfer Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cse

To

1.The Judge, The Family Court Judge, Thiruvallur,
+1 cc to Mr.M.V.Muralidharan, Advocate, sr.77

Tr.C.M.P. No.915 of 2015
and M.P.No.1 of 2015

msm co
kra 25.01.2016

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