

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Transfer Civil Miscellaneous Petition No.103 of 2013

Kalaivani @ Aswini

... Petitioner

Vs

Kempraj

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying to withdraw and transfer I.A.No.94 of 2012 in H.M.O.P.No.310 of 2011 on the file of Sub Court, Poonamallee, to the file of Sub Court, Vellore.

For Petitioner : Mr.Sudharshana Sunder

For Respondent : No appearance
M/s.Achari & Antoni Associates

ORDER

Petitioner has filed the present petition seeking transfer of I.A.No.94 of 2012 in H.M.O.P.No.310 of 2011 on the file of Sub Court, Poonamallee, to the file of Sub Court, Vellore.

2. Heard learned counsel for petitioner. There is no representation for respondent.

3. Learned counsel for petitioner submits that the respondent/husband has filed H.M.O.P.No.310 of 2011 on the file of Sub Court, Poonamallee, seeking divorce. Under order dated 10.06.2011, an ex parte order was passed. Seeking setting aside of the said ex parte order, petitioner filed a petition before the Court below. I.A.No.94 of 2012 in H.M.O.P.No.310 of 2011 has been filed seeking condonation of delay of 31 days in filing the set aside application. Submitting that the said application has been adjourned on many occasions and is pending for a long time, learned counsel prays for transfer.

4. Considering the said submissions, this Court directs transfer of the records in H.M.O.P.No.310 of 2011 on the file of Sub Court, Poonamallee, to the file of Sub Court, Vellore. The transferee Court shall deal with the application to set aside the ex parte order and if occasion arises, the H.M.O.P. on merits.

The Transfer Civil Miscellaneous Petition, accordingly, is ordered. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Sub Judge,
Poonamallee.
2. The Sub Judge,
Vellore.

+1cc to Mr.Sudharshana Sunder, Advocate, S.R.No.45568

Transfer Civil Miscellaneous Petition No.103 of 2013

TM(CO)
CA(02/09/2016)

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