

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

Transfer C.M.P.No.271 of 2016

And

C.M.P.No.7489 of 2016

R.Kavitha ... Petitioner/Respondent

Versus

K.Ramprasad ... Respondent/Petitioner

This Petition filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No. 47 of 2015 on the file of Subordinate Judge, Maduranthagam District and transfer the same to the file of the Subordinate Judge, Tambaram, Kancheepuram District to be tried along with H.M.O.P.No. 341 of 2015 on the file of the Subordinate Judge, Tambaram, Kancheepuram District.

For Petitioner : M/s. V.B.Premalatha
For Respondent : No appearance

O R D E R

The petitioner is the respondent in H.M.O.P.No. 47 of 2015 pending on the file of Subordinate Court, Maduranthagam District. The petitioner seeks withdrawal of the said proceedings and transfer the same to a Court at Tambaram.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent, in spite of printing his name in the cause list after service.

3. The petitioner instituted proceedings in H.M.O.P.No. 341 of 2015 before the Subordinate Court, Tambaram, Kancheepuram District, against the respondent praying for a decree under Section 9 of the Hindu Marriage Act. The respondent on the other hand instituted proceedings in H.M.O.P.No. 47 of 2015 before the Subordinate Court, Madambakkam. The petitioner, being

a resident of Tambaram, seeks an order for transfer of the proceedings in H.M.O.P.No. 47 of 2015.

4. The petitioner in the affidavit filed in support of the transfer petition contended that she being a resident of Tambaram, it would be difficult for her to appear before the Court at Maduranthagam. Moreover, the proceedings initiated by her is pending before the Subordinate Court, Tambaram. The petitioner, therefore, seeks transfer of the pending proceedings in H.M.O.P.No. 47 of 2015. There is nothing on record to disbelieve the case pleaded by the petitioner. The respondent neither appeared before this Court nor filed a counter affidavit opposing the prayer for transfer. I am therefore of the view that the matter requires transfer.

5. In the result, the proceedings in H.M.O.P.No. 47 of 2015 is withdrawn from the file of the Subordinate Court, Maduranthagam District and is transferred to the file of the Subordinate Court, Tambaram, Kancheepuram District, for disposal on merits along with H.M.O.P.No. 341 of 2015.

6. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsg

To

1. The Subordinate Court, Maduranthagam District.

2. The Subordinate Court, Tambaram, Kancheepuram District.

+1 cc to Mr.V.Manohar Advocate sr54091

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aa18/10/2016