

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.28 of 2016

and

C.M.P.No.399 of 2016

Geetha

W/o.Marthachamoorthy,
Sogathur, Village and Post,
Dharmapuri, Taluk and District ... Petitioner

Vs.

V.Maruthachala Moorthy
S/o.Venkatesa Reddiyar,
Reddipatty Village,
Ananthur Post,
Uthangarai Taluk,
Krishnagiri District ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the case in H.M.O.P.No.46 of 2015 on the file of Sub Court, in Uthangarai, Krishnagiri District and transfer the same to Sub Court, Dharmapuri.

For Petitioner: Mr.N.Anwar Basha for
M/s.S.Chinnasamy and R.Ilanchezian

O R D E R

This petition has been filed under Section 24 of the Code of Civil Procedure for the transfer of H.M.O.P.No.46 of 2015 pending on the file of Sub Court, Uthangarai, Krishnagiri District, to the file of Sub Court, Dharmapuri.

2. After filing the petition, on the date of first hearing itself, the petition was left without any representation. However, taking a lenient view, the Court passed an order directing listing of the matter after granting a further time of ten days. Thus, the matter stood listed on 29.01.2016.

3. On 29.01.2016 also, there was no representation for the petitioner. Still, this Court adjourned the matter with a view to give one more opportunity to the petitioner to have the

matter argued by adjourning the matter to 15.02.2016. Today also, none of the two learned counsel who are on record is present. One Mr.N.Anwar Basha, Advocate who claims to have been instructed by the Counsel on record to make a representation is not in a position to state what is the petition for. He has been deputed only to seek an adjournment.

4. Indulgence already shown is more than sufficient. Hence, this Court is not inclined to accept the representation made by Mr.Anwar Basha for an adjournment of the case at the stage of admission itself. The very fact that after filing the petition, twice the matter was left without representation and today, being afraid, that an order would be passed noting the default committed, an attempt has been made to seek an adjournment through a junior Counsel, will show the intention of the petitioner to drag on the case and to prevent the hearing the H.M.O.P. filed by the respondent as long as possible.

5. Hence, this Court comes to the conclusion that the petition is not bona fide and the same deserves to be dismissed. No costs. Consequently, connected miscellaneous petition is closed.

srn

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

The Sub Court, Uthangarai.

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