

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2016

CORAM:

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

Transfer C.M.P.No.486 of 2016

and C.M.P.No.13333 of 2016

Sankari Abinaya Petitioner/Respondent

Versus

Rajasekaran Respondent/Petitioner

This Petition filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.69 of 2016 on the file of the Sub Court, Theni and transfer the same to the Family Court, Chennai.

For Petitioner : Mrs.Geeta Ramaseshan

For Respondent : No appearance

O R D E R

The petitioner has come up with this Transfer Civil Miscellaneous Petition for withdrawal of the proceedings in H.M.O.P.No.69 of 2016 from the file of the Sub Court, Theni and to transfer the same to the Family Court, Chennai.

2. The endorsement made by the Postman indicates that the notice was attempted to be served on the respondent. Since the respondent refused to receive the notice, the Postal Department returned it along with an endorsement. In view of the endorsement made by the Postman, the notice is deemed to have been served on the respondent. The name of the respondent is printed in the cause list. However, none appears on his behalf.

3. The respondent filed the proceedings in H.M.O.P.No.69 of 2016 before the Sub Court at Theni, praying for a decree of divorce. According to the petitioner, she is a permanent resident of Chennai and as such, it would not be possible for her to appear before the Court at Theni and to defend the proceedings. There is nothing on record to disbelieve the case

pleaded by the petitioner. I am therefore of the view that the matter requires transfer.

4. In the result, the proceedings in H.M.O.P.No.69 of 2016 is withdrawn from the Sub Court, Theni and it is transferred to the Family Court, Chennai, for disposal.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Sub Court,
Theni.
2. The Family Court,
Chennai.

+2cc to Mrs.Geetha Ramaseshan, Advocate Sr.53753

Transfer C.M.P.No.486 of 2016

gj[co]
srg 21/10/2016

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