

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Twenty Third day of June Two Thousand Seventeen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CMP No.1186 of 2017

IN TR CMP.486/2016

1 M.RAJASEKARAN

[PETITIONER]

Vs

1 SANKARI ABINAYA

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the exparte order dated 20/09/2016 passed in Tr cmp 486/2016 (CMP.1186 of 2017) pending disposal above TR CMP.486/2016

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.A.S.BAALAJI, Advocate for the petitioner and of M/S. GEETHA RANASESHAN of the Respondent the court made the following order:-

This petition is filed by the husband, who is the respondent in Tr.CMP.No.486 of 2016 praying to set aside the ex-parte order dated 20.09.2016 passed in Tr.CMP.No.486 of 2016.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. According to the petitioner herein, he had engaged an Advocate to appear on his behalf in Tr.CMP.No.486 of 2016 and due to mis-communication, his then counsel did not appear on his behalf.

4. From the records, it is seen that this Court had ordered notice to the respondent vide order dated 22.8.2016, but the same returned with an endorsement "refused". Therefore, the Registry was directed to print the name of the respondent in the cause-list and to post the matter on 20.09.2016. Accordingly, the matter was listed on 20.09.2016 and on the said date, there was no representation for the petitioner-husband and this Court had

allowed the Tr.CMP.No.486 of 2016 directing the trial Court to withdraw the proceedings in HMOP.No.69 of 2016 from the file of Sub Court, Theni and transfer the same to the Family Court, Chennai.

5. The learned counsel appearing for the respondent herein (wife) submitted that after the said HMOP was transferred, it was re-numbered as O.P.No.4601 of 2017 before the Principal Family Court, Chennai. He further submitted that more than seven hearings are over in O.P.No.4601 of 2017 and it is pending for enquiry.

6. Under the said circumstances, the reasons given by the petitioner is devoid of merits and hence this miscellaneous petition is dismissed.

-sd/-
23/06/2017

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SUBORDINATE JUDGE,
THENI

C.C. to M/S.A.S.BAALAJI Advocate on payment of necessary charges

Order

in
CMP.1186/2017

in
TR CMP.486/2016

Date :23/06/2017

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
VC (30/06/2017)