

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR CMP NO.282 of 2017
AND MP NO. 5381 of 2017

S.Valliyammai

... Petitioner

versus

G.Kumaravel

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the Original Petition in HMOP. No. 58 of 2014 on the file of the Sub-Ordinate Judge, Panruti and transfer the same to the file of the Family Court at Puducherry, for trial.

For Petitioner : Mr. P.Suresh Babu

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ORDER

The Petitioner/wife has filed the present Transfer Civil Miscellaneous Petition to withdraw HMOP No.58 of 2014 pending on the file of the Subordinate Judge Panruti and transfer the same to the file of Family Court at Puducherry.

2. The petitioner is a resident of Puducherry. The respondent/husband instituted proceedings in HMOP No. 58 of 2014 for divorce. The petitioner has stated that it would be very difficult for her to travel to a long distance and hence, seeks for transferring the proceedings to Puducherry.

3. When the matter was taken up for admission on 22.03.2017, this court granted interim stay and ordered notice to the respondent and the same was returned with an endorsement "not known". Hence, this Court directed the petitioner to serve notice on the counsel for the respondent who appears before the lower Court at Panruti. The learned counsel for the petitioner has filed proof of service, wherein, notice was received by counsel for the respondent on 28.06.2017 itself. In spite of the same there is no appearance on the side of the respondent/husband.

4. Considering the facts and circumstances of the case and the inconvenience caused to the petitioner, Original Petition in HMOP. No. 58 of 2014 is withdrawn from the file of the Subordinate Court, Panruti and the same is transferred to Family Court Puducherry.

5. The Trial Court petitioner is directed to re-number the Original Petition and proceed in accordance with law.

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

28.07.2017

Index : Yes/No
Internet : Yes/No
bsm/tk

To

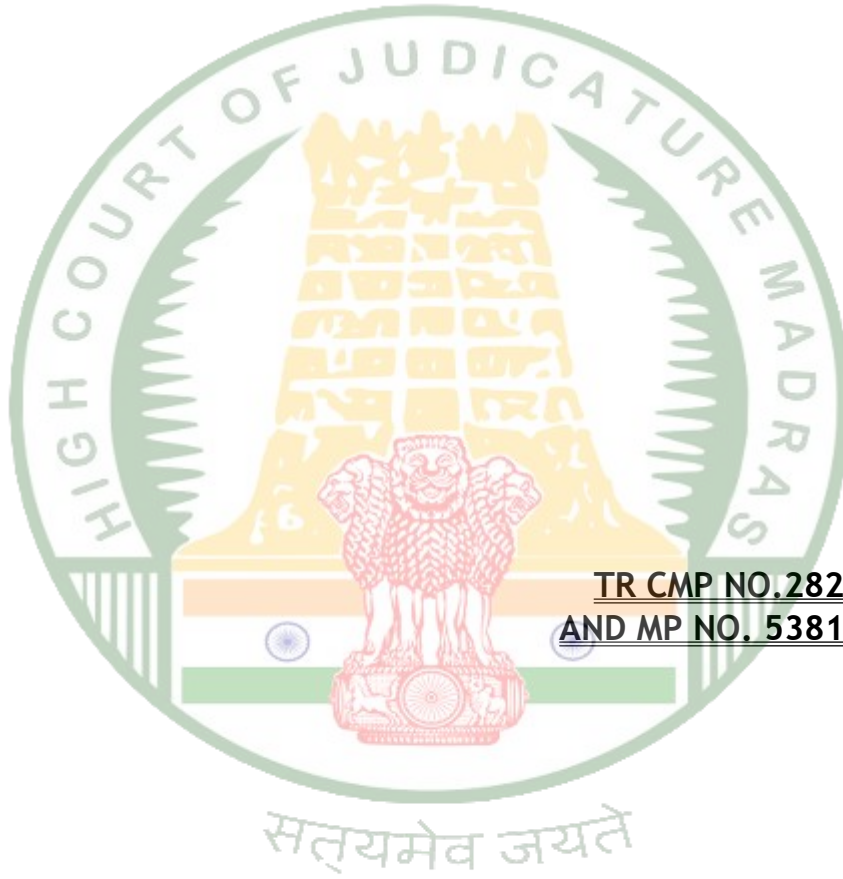
1) The Sub-Ordinate Court,
Panruti

2) The family Court,
Puducherry.

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M.GOVINDARAJ, J.

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