



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2017

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P (MD) .No.325 of 2017

and

C.M.P (MD) No.6882 of 2017

J.V.Rajendran

...Petitioner/Respondent

Vs.

N.Latha

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.130 of 2015 on the file of the Subordinate Court, Palani and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.R.Vijayakumar

For Respondent : No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.130 of 2015, on the file of the Subordinate Court, Palani to the file of the Family Court, Coimbatore.

2. The learned Counsel for the petitioner would submit that the respondent is working in Potheys Textiles in Coimbatore from June 2014 onwards and she is residing permanently in Alagesan Road, Coimbatore and the respondent's PF Number is TN/86006/568. It is also further stated that their daughter Akshaya Shri is in the custody of the respondent and she is studying 11th standard in Shree Baladevads Kikani Vidyamanidir Matric Higher Secondary School, R.S.Puram, Coimbatore.

3. The learned Counsel for the petitioner would submit that the respondent filed H.M.O.P.No.130 of 2015 on the file of the Subordinate Court, Palani seeking divorce and it is pending from the year 2015. He also submitted that Court notice was also served to the respondent to the address of Coimbatore. Hence, it is evident that there may not be any difficulty for the respondent to appear before the Court in Coimbatore.



4. Though notice was served on the respondent, neither she appeared in person nor through Counsel.

5. Heard the learned Counsel for the petitioner and perused the materials available on record.

6. Considering the fact that both the petitioner and the respondent are residing at Coimbatore, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned Judge, Subordinate Court, Palani is directed to transmit the entire records in H.M.O.P.No.130 of 2015 to the file of the Family Court, Coimbatore within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Judge, Family Court, Coimbatore after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.130 of 2015 as early as possible. No costs. Consequently, connected C.M.P.(MD) No.6882 of 2017 is closed.

Sd/-
Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1. The Judge,
The Family Court, Coimbatore.

2. The Subordinate Judge, Palani.

+1 cc to Mr.R.Vijayakumar , Advocate in SR.No. 76505

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AE/KP/SAR3/14.09.2017/2P/4C

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