

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.1088 of 2017
and C.M.P.No.22392 of 2017

D.Prem Kumar

... Petitioner

Vs.

K.P.Mythili

... Respondent

PRAYER- Petition is filed under Section 24 of C.P.C., to withdraw I.A.No.698 of 2017 in H.M.O.P.No.131 of 2013 pending on the file of the Sub Court, Tambaram and transfer the same to the file of the Family Court, Chengalpattu.

For Petitioner : Mr.S.Sathish
For Respondent : Mr.K.V.Radhakrishnan
for M/s.M.Rajendiran

O R D E R

This petition is filed to withdraw I.A.No.698 of 2017 in H.M.O.P.No.131 of 2013 pending on the file of the Sub Court, Tambaram and transfer the same to the file of the Family Court, Chengalpattu.

2.The petitioner/husband has come out with the present Transfer Civil Miscellaneous Petition on the ground that H.M.O.P.No.131 of 2013 filed by him was dismissed on 22.08.2017 and the respondent filed I.A.No.698 of 2017 on the file of the Sub Court, Tambaram to set aside the order of dismissal dated 22.08.2017 made in H.M.O.P.No.131 of 2013 and I.A.No.699 of 2017 to restore I.A.No.252 of 2017 in H.M.O.P.No.131 of 2013 by setting aside the order of dismissal dated 22.08.2017.

3.According to the learned counsel for the petitioner, the said applications are adjourned without being disposed of on merits. The petitioner filed H.M.O.P.No.131 of 2013 against the respondent for divorce. The H.M.O.P is being dragged on by the respondent by seeking unnecessary adjournments. The petitioner filed C.R.P.No.1879 of 2017 and this Court by order dated 16.06.2017 directed the learned Judge to dispose of the H.M.O.P within a period of four months. On receipt of the copy of the order dated 16.06.2017, H.M.O.P was adjourned to 31.08.2017. Without serving any notice on the petitioner, H.M.O.P was

advanced to 22.08.2017. Notice of advance hearing was sent by ordinary post to the old address of the petitioner on 18.08.2017, which is a Saturday, mentioning the name of the previous counsel who appeared for the petitioner. The petitioner could not appear before the Court on 22.08.2017 as notice of advance hearing was not received by the petitioner. H.M.O.P.No.131 of 2013 and I.A.No.252 of 2017 were dismissed for default.

4.The petitioner filed the above two applications to restore H.M.O.P.No.131 of 2013 and I.A.No.252 of 2017 and the same is pending without disposal on merits. For the above reason, the petitioner has come out with the present Transfer Civil Miscellaneous Petition to withdraw I.A.No.698 of 2017 in H.M.O.P.No.131 of 2013 from the file of the Sub Court, Tambaram to the file of the Family Court, Chengalpattu.

5.Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

6.The grievance of the petitioner is that I.A.Nos.698 and 699 of 2017 are not disposed of on merits and are being adjourned without any progress. Considering the above grievance, it is suffice to direct the learned Judge to hear I.A.Nos.698 and 699 of 2017 on merits and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order and file compliance report.

7.With the above direction, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CCC)

//True copy// सत्यमेव जयते

Sub Assistant Registrar

gsa

To

The II Additional District Judge, Ranipet

Tr.C.M.P. No.1088 of 2017
and C.M.P.No.22392 of 2017

GN(20/06/2018)