

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.169 of 2018
and C.M.P.No.4630 of 2018

A.K.Santhanam

... Petitioner/Petitioner

Vs.

S.Nirmala

... Respondent/Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.14 of 2012 pending on the file of Principal Sub Court, Poonamallee and transfer the same to the file of Sub Court, Tambaram.

For Petitioner : Mr.N.Raja
for Mr.S.Jebarajan

O R D E R

This petition is filed to withdraw H.M.O.P.No.14 of 2012 pending on the file of Principal Sub Court, Poonamallee and transfer the same to the file of Sub Court, Tambaram.

2.The petitioner is the husband and respondent is the wife. The marriage between the petitioner/husband and respondent/wife was conducted on 31.08.1984 as per Hindu rites and customs. In the wedlock, two male children were born. Due to difference of opinion between the petitioner and respondent, the respondent/wife left the matrimonial home. The petitioner has filed H.M.O.P. against the respondent for divorce originally before the Sub Court, Tambaram and the same was returned un-numbered for want of territorial jurisdiction as the petitioner is residing at Pozhichalur, Chennai. The petitioner represented the said H.M.O.P. before the Principal Sub Court, Poonamallee and the same was numbered as H.M.O.P.No.14 of 2012. Though notice was served on the respondent/wife, she did not appear and hence, she was set ex-parte on 23.07.2013. Subsequently, the said H.M.O.P.No.14 of 2012 was posted for evidence on 30.07.2013.

3. The learned counsel for the petitioner contended that the learned Principal Subordinate Judge, Poonamallee, has directed the petitioner to approach Sub Court, Tambaram by filing a fresh petition, as Sub Court, Tambaram is proper Court for having territorial jurisdiction. In view of the same, the petitioner has come out with the present Transfer Civil Miscellaneous Petition for transfer of H.M.O.P.No.14 of 2012 pending on the file of Principal Sub Court Poonamallee, to the file of Sub Court, Tambaram.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. From the materials available on record, it is seen that H.M.O.P.No.14 of 2012 is pending from the year 2012. According to the learned counsel for the petitioner, the learned Principal Subordinate Judge, Poonamallee, has observed that H.M.O.P.No.14 of 2012 has to be transferred to Sub Court, Tambaram. In view of the same, the petitioner has come out with the present Transfer Petition for transfer of H.M.O.P.No.14 of 2012 to the file of Sub Court, Tambaram, with a direction to the learned Subordinate Judge, Tambaram, to proceed with the said H.M.O.P.No.14 of 2012 without issuing any notice to the respondent as she was already set ex-parte on 23.07.2013. The petitioner has approached this Court for transfer on mere apprehension.

6. Considering the above facts, the learned Principal Subordinate Judge, Poonamallee, is directed to dispose of the H.M.O.P.No.14 of 2012 as expeditiously as possible, in any event, not later than two months from the date of receipt of a copy of this order and file compliance report before this Court.

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

Sd/-

Assistant Registrar (CS VII)

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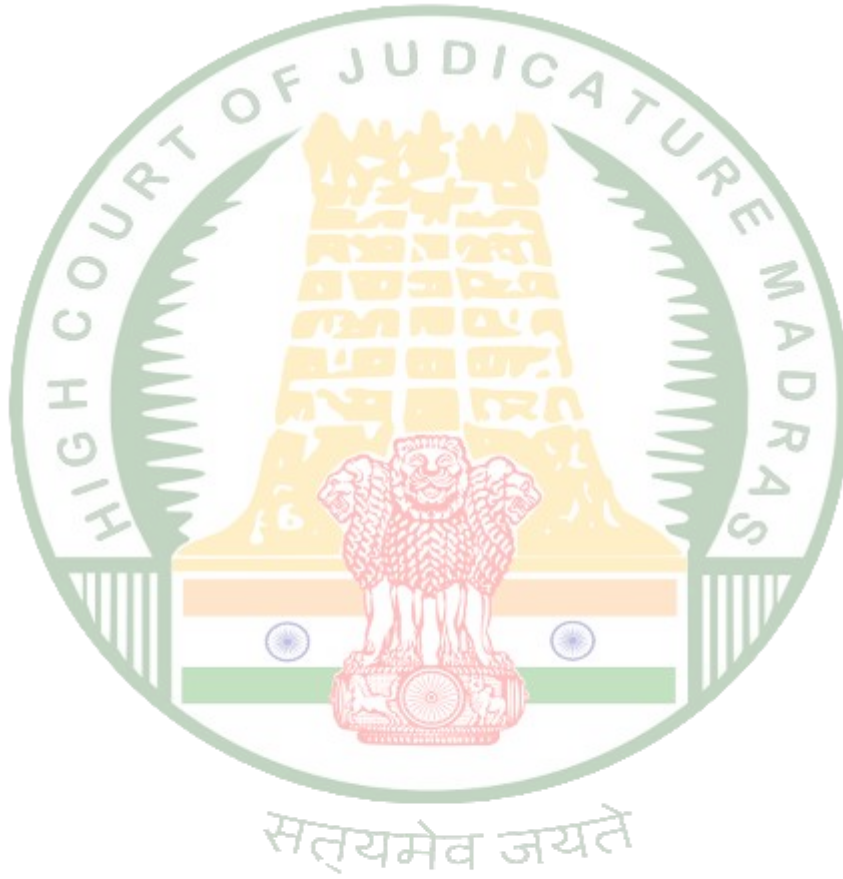
Sub Assistant Registrar

To

The Principal Subordinate Judge, Poonamallee.

Tr.C.M.P. No.169 of 2018
and C.M.P.No.4630 of 2018

nr 26/07/2018



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