

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

Transfer CMP. No.449 of 2019
and C.M.P.No.12634 of 2019

R.Kasthuri

Petitioner/Respondent

Vs

D.Kathiravan

Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of the Civil Procedure, to withdraw and transfer the original petition in H.M.O.P.No.720 of 2019 on the file of the Additional Family Court, Coimbatore to the Family Court, Chennai.

For Petitioner : Mr.D.Prasanna
For Respondent : No Appearance

O R D E R

Mrs.R.Kasthuri, Wife of Mr.D.Kathiravan, has come to this Court with this Transfer CMP to withdraw the pending HMOP No.720 of 2019 on the file of the Additional Family Court, Coimbatore, to be transferred to the II Additional Family Court, Chennai, wherein M.C.No.200 of 2019 is also pending for common trial.

2.Learned counsel for the petitioner submitted that after the marriage was solemnized between the parties, they were blessed with a male child by name K.Pranav Kumaran on 31.05.2018. Even after the birth of the male child, the respondent has not shown any interest. Therefore, M.C.No.200 of 2019 has been filed on the file of the II Additional Family Court, Chennai. Now, the respondent has to come and appear. Therefore, when HMOP No.720 of 2019 filed by the respondent on the file of the Additional Family Court is withdrawn and transferred to file of II Additional Family Court, Chennai, no prejudice would be caused to the respondent and it would help the respondent to conduct both matters together.

3.After notice was issued by the Registry, the record shows that it was served on the respondent on 04.07.2019. When the service was completed, it is not known as to why the respondent has not chosen to appear either in person or through counsel, which shows that he has no objection in allowing the Transfer CMP. Secondly, M.C.No.200 of 2019 filed on the file of II Additional Family Court, Chennai, is also pending. Therefore, it is a fit case for withdrawal of pending HMOP No.720 of 2019 from the Additional Family Court, Coimbatore to be transferred to the II Additional Family Court, Chennai. Accordingly, the Transfer CMP is allowed and HMOP 720 of 2019 is withdrawn from the file of the Additional Family Court, Coimbatore and transferred to the II Additional Family Court, Chennai, to be tried along with M.C.No.200 of 2019 for common disposal. No costs. Consequently, CMP No.12634 of 2019 is closed.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

vri

To

1.The II Additional
Family Court,
Chennai.

2. The Additional Family Court,
Coimbatore

+2 CCS to Mr.D.Prasanna, Advocate sr 64513.

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PVS(CO)
SP(26/08/2019)

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