

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.551 of 2019
and CMP No.15488 of 2019

J. Abinaya

... Petitioner

-vs-

Sathiamoorthy

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw HMOP No.37 of 2019 pending on the file of Sub Court, Harur, Dharmapuri District and transfer the same to Sub Court, Tirupattur, Vellore District.

For Petitioners: Mr.PA. Sudesh Kumar

For Respondent : No appearance

O R D E R

Mrs.J. Abinaya, W/o Sathiamoorthy, has filed this petition seeking to withdraw HMOP No.37 of 2019 pending on the file of Sub Court, Harur, Dharmapuri District and transfer the same to Sub Court, Tirupattur, Vellore District.

2. The learned counsel for the petitioner submitted that the respondent/husband filed a petition in HMOP No.37/2019 before Subordinate Court, Harur, Dharmapuri District. The learned counsel also submitted that if the matter is transferred to Subordinate Court, Tirupathur, which is only about 75 kms, no prejudice would be caused to the respondent/husband.

3. After issuance of notice, Registry record shows that notice was served on the respondent on 16.08.2019, but he has not chosen to appear, which shows that the respondent has no objection for allowing the petition. Apart from that if HMOP No.37/2019 is transferred from the Subordinate Court, Harur to the Subordinate Court, Thiurpathur, there will be a short distance of 75 kms. Considering the fact that balance of

convenience is in favour of the petitioner, this court is inclined to accede to the request of the transfer. Hence, the Transfer CMP is allowed.

4. Accordingly, the Tr.C.M.P. is allowed and the H.M.O.P.No.37 of 2019 pending on the file of Subordinate Court, Harur is withdrawn and transferred to Sub Court, Thirupathur, Vellore District.

5. The learned Sub Judge, Harur, Dharmapuri District is directed to send the entire records relating to HMOP No.37 of 2019 to the Sub Court, Thirupathur, Vellore District forthwith and the learned Subordinate Judge, Thirupathur, Vellore is directed to take up HMOP.37 of 2019 and dispose of the same expeditiously in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Insp cell)

//True Copy//

Sub Assistant Registrar

To

- 1.The Subordinate Court, Harur, Dharmapuri District
2. The Subordinate Court, Thirupathur, Vellore District.

+1cc to Mr.PA. Sudesh Kumar, Advocate SR.75167

Tr. C.M.P. No.551 of 2019

RR(CO)
CB(15/10/2019)