

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.553 of 2019
and CMP No.15505 of 2019

K. Rajeswari

... Petitioner

-vs-

S. Kumar

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw HMOP No.17 of 2016 pending on the file of Sub Court, Thiruchengode, Namakkal District and transfer the same to Sub Court, Mettur, Salem District.

For Petitioners: Mr.D. Baskar

For Respondent : No appearance

O R D E R

Mrs.K. Rajeswari, W/o S. Kumar, has filed this petition seeking to withdraw HMOP No.17 of 2016 pending on the file of Sub Court, Thiruchengode, Namakkal District and transfer the same to Sub Court, Mettur, Salem District.

2.The learned counsel for the petitioner submitted that the respondent/husband filed a petition in HMOP No.17/2016 before Subordinate Court, Thiruchengode, Namakkal District.

3.After issuance of notice, Registry record shows that notice was served on the respondent on 14.08.2019, but he has not chosen to appear, which shows that the respondent has no objection for allowing the petition. Apart from that the petitioner/wife filed a Domestic Violence Petition in D.V.O.P.No.6 of 2016 against the respondent/husband before the Judicial Magistrate No.I, Mettur. Therefore, in any event, the respondent/husband has to appear before the learned Judicial Magistrate No.I, Mettur for Domestic Violence Case. Therefore, if HMOP No.17 of 2016 is transferred from the file of Sub Court, Tiruchengode to the file of Sub Court, Mettur, no prejudice would be caused to the respondent. Hence, 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is allowed and the H.M.O.P.No.17 of 2016 pending on the file of Subordinate Court, Thiruchengode, Namakkal District is withdrawn and transferred to Sub Court, Mettur.

5. The learned Sub Judge, Thiruchengode, Namakkal District is directed to send the entire records relating to HMOP No.17 of 2016 to the Sub Court, Mettur forthwith and the learned Subordinate Judge, Mettur, Salem is directed to take up HMOP.17 of 2016 and dispose of the same expeditiously in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Subordinate Judge,
Thiruchengode, Namakkal District

2. The Subordinate Court,
Mettur, Salem District

Tr. C.M.P. No.553 of 2019

Kak(09/10/2019)