

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.830 of 2019

A.Indhumathy

...Petitioner

vs.

K.Suresh Kumar

...Respondent

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw the proceedings in F.C.O.P.No.140 of 2019, now pending on the file of the District Family Court at Namakkal, and transfer the same to the file of the Sub Court, Tambaram, Chennai.

For Petitioner : Mr.P.Raja

For Respondent : Mr.S.Kaithamalai Kumaran

O R D E R

The Petitioner/wife has come up with this Petition seeking transfer of F.C.O.P.No.140 of 2019 from the file of the Family Court, Namakkal to the file of the Sub Court, Tambaram, Chennai.

2. Even after receipt of notice, the Petitioner herein, who is the Respondent in F.C.O.P.No.140 of 2019 did not appear before the Family Court, Namakkal. Hence, an exparte final order was passed in F.C.O.P.No.140 of 2019 on 13.09.2019. To set aside the said exparte order, the petitioner herein filed I.A.No.3 of 2019 in F.C.O.P.No.140 of 2019, however, the same was also rejected. Thereafter, the Family Court, Namakkal passed a final order in F.C.O.P.No.140 of 2019 on 05.11.2019, granting divorce.

3. In view of the aforesaid findings, the question of transferring the proceedings in F.C.O.P.No.140 of 2019 from the file of the Family Court, Namakkal to the file of the Sub-Court, Tambaram, does not arise.

4. Learned counsel for the Petitioner submitted that, the Petitioner/wife may be permitted to restore F.C.O.P.No.140 of 2019, for adjudication on merits.

5. This Court cannot express any opinion on the said submission and it is open to the parties to exhaust the remedy available to them, in accordance with law.

6. This Transfer Civil Miscellaneous Appeal is disposed of accordingly. No costs. Consequently, connected C.M.P.No.22901 of 2019 is closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

(jas/aeb)

To

1.The Family Court, Namakkal.

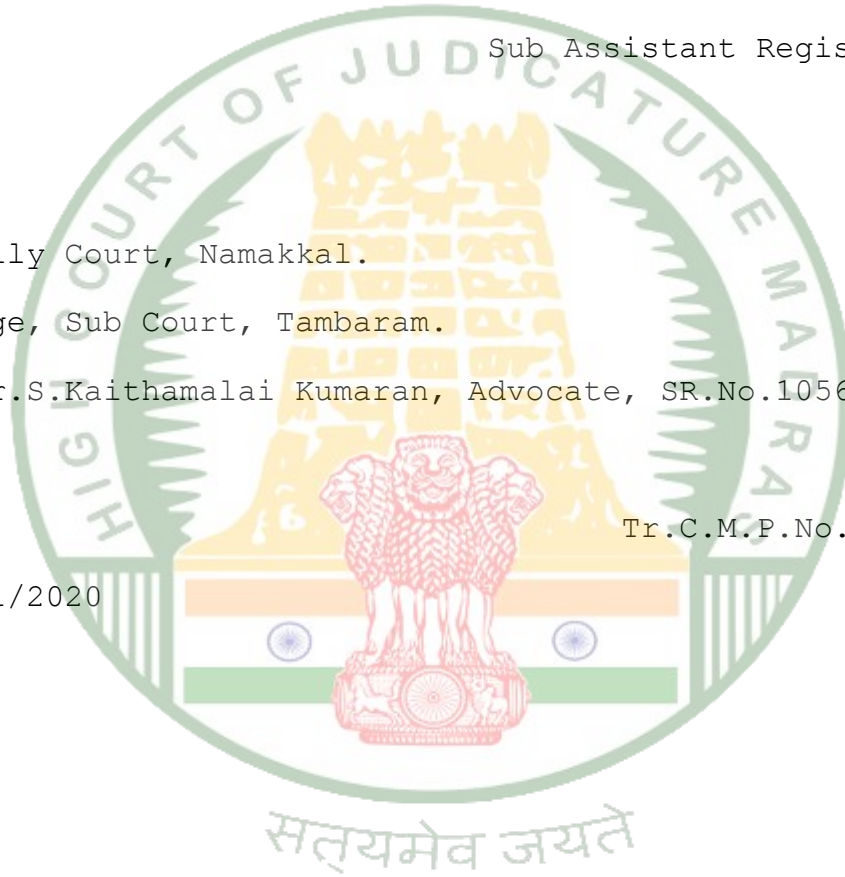
2.The Judge, Sub Court, Tambaram.

+1CC to Mr.S.Kaithamalai Kumaran, Advocate, SR.No.1056231.

Tr.C.M.P.No.830 of 2019

VD(CO)

CSR: 29/01/2020



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