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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

T.R.C.M.P.No.906 of 2019  
and C.M.P.No.24745 of 2019

Sathiyapriya

... Petitioner

-vs-

V.Kandasamy

... Respondent

PRAYER: Petition is filed under Section 24 of Code of Civil Procedure to withdraw H.M.O.P.No.86 of 2019 on the file of Sub Court, Gobichettipalayam and transfer the same to the file of Sub Court, Tiruppur.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondent : No Appearance

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O R D E R

The present petition has been filed to transfer the case in H.M.O.P.No.86 of 2019 on the file of Sub Court, Gobichettipalayam to the file of Sub Court, Tiruppur.

2. Even though the respondent is served; the proof in support of service is filed into the Registry by the learned counsel for the petitioner in USSR No.37257 of 2019 and the name of the respondent is also printed in the cause list, the respondent has not entered appearance either in-person or through counsel. Hence, an inference can be drawn that the respondent is not interested in adjudicating the matter, as he has not shown any indulgence to represent the case. Therefore, this Court is inclined to grant the relief as such to the petitioner.

3. In the result, the Transfer Civil Miscellaneous Petition is allowed, with a direction to the learned Subordinate Judge, Gobichettipalayam to transfer the case in H.M.O.P.No.86 of 2019 to the file of the Subordinate Court, Tiruppur within a period of two weeks from the date of receipt of a copy of this order. On such transfer, the Transferee Court, namely, the Subordinate Court, Tiruppur is directed to take up the case in H.M.O.P.No.86



of 2019 and proceed with the same, without adjourning the matter beyond 30 working days at any point of time and bring the issue to a logical end as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

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Sub Assistant Registrar

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To:

- 1.The Subordinate Judge,  
Gobichettipalayam.
- 2.The Subordinate Judge,  
Tiruppur.

+1cc to Mr.S.Kaithamalai Kumaran, Advocate SR.102834

T.R.C.M.P.No.906 of 2019

PA (CO)  
CB(08/01/2020)