

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.927 of 2019 &
CMP.No.25338 of 2019

N.Divya ...Petitioner/Respondent

vs.

J.Arun ...Respondent/Petitioner

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw and transfer MOP.No.182 of 2019 from the file of the Subordinate Judge at Hosur to that of the Subordinate Judge at Poonamallee.

For Petitioner : Mr.Prakash Goklaney

For Respondent : Mr.S.Chandrasekar

O R D E R

The Petitioner, who is residing at Chennai, has come up with this Petition seeking transfer of M.O.P.No.182 of 2019 from the file of the Subordinate Judge at Hosur and transfer the same to the file of Subordinate Judge, Poonamallee.

2.According to the Petitioner, it would be difficult for her to travel all the way from Chennai to Hosur, which is about 290 kms, along with her child, to attend the hearings in M.O.P.No.182 of 2019 pending on the file of Subordinate Judge at Hosur.

3. Heard the learned counsel for the parties. Even though the learned counsel for the respondent refuted the allegations made in the petition, he has no objection to transfer the proceedings in M.O.P.No.182 of 2019 from the file of the Subordinate Judge, Hosur to the file of Subordinate Judge, Poonamallee.

4. The allegations made in the affidavit is not proved through verbal/ documentary evidence and the averments made by the petitioner in the affidavit could be treated only for the purpose of transfer of the case and had no bearing in the main matter unless the same is established through evidence. If the lower court finds that there are false allegations, it is open to the lower court to make observation/remarks about the

conduct of the party concerned.

5. Recording the submissions made by the learned counsel appearing for the Respondent, the proceedings in M.O.P.No.182 of 2019 is transferred from the file of the Subordinate Judge, Hosur to the file of the Subordinate Judge, Poonamallee. The Subordinate Judge, Poonamallee is expected to conclude the trial, as expeditiously as possible, without adjourning the matter beyond 45 working days at any point of time, to bring the issue to a logical end.

6. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected C.M.P.No.25338 of 2019 is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

(msr)

To :

1. The Subordinate Judge, Poonamallee.
2. The Subordinate Judge, Hosur

+2cc to Mr.Prakash Goklaney, Advocate sr.106662
+1cc to Mr.S.Chandrasekar, Advocate sr.207

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svi(co)
nr 04/02/2020

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