



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.572 of 2017
and
C.M.P.No.12001 of 2017

Manimozhi

... Petitioner

Vs.

T.Arun

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the I.A.No.158/2016 in HMOP.No.71/2014 filed by the petitioner on the file of the Principal Subordinate Judge, Cuddalore Court and transfer the same to the Family Court at Chennai.

For Petitioner : Mr.C.Sangamithirai

For Respondent : No Appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of H.M.O.P.No.71 of 2014 on the file of Principal Subordinate Judge, Cuddalore Court to the file of Family Court, Chennai.

2. The learned counsel for the petitioner submits that the respondent/husband filed a divorce petition before the Family Court, Cuddalore, which has no jurisdiction and obtained an ex-parte decree. The petitioner has filed a petition to set aside the ex-parte decree passed and the same is pending before the Family Court, Cuddalore.

3. From the averments made it is seen that the present petition has been filed for transferring a case which is not pending on the file of the Family Court, Cuddalore. Such a petition is not maintainable; accordingly, the same is dismissed. The petitioner/wife is given liberty to approach this Court, after the ex-parte decree is set aside and after the



divorce petition is restored to file before the Family Court, Cuddalore. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

bri

To

The Principal Subordinate Judge,
Cuddalore.

+1cc to Mr.C.Sangamithirai, Advocate, S.R.No. 15873

TR C.M.P. No.572 of 2017
and
C.M.P.No.12001 of 2017

RR(CO)
GN(22/08/2019)