



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.267 of 2019

and

C.M.P(MD) No.6261 of 2019

Rita Rufina

... Petitioner

Vs.

Rajkumar Paul

... Respondent

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer the D.O.P.NO.21 of 2018 pending enquiry on the file of the learned Principal District and Sessions Judge, Thoothukudi to the file of any other competent District Court, Tirunelveli.

For Petitioner : Mr.V.Rajiv Rufus

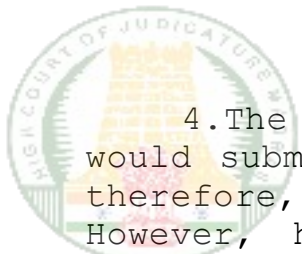
For Respondent : No appearance

ORDER

The above Transfer Civil Miscellaneous Petition has been filed for transferring D.O.P.No.21 of 2018 from the file of the Principal District and Session Judge, Thoothukudi to any other competent District Court.

2.Though the notice has been served on the respondent and his name has been printed in the cause list, none appeared on behalf of the respondent. Therefore, this Court proceeded to hear the matter in his absence.

3.The main ground on which the transfer was sought for is that the petitioner was apprehensive about the fairness of the Presiding Officer in hearing the petition, as the petitioner apprehended that the Presiding Officer was showing indulgence to the respondent/husband.



4.The learned counsel for the petitioner, on instructions, would submit that the Presiding Officer has been transferred and therefore, there is no necessity for seeking the transfer. However, he would submit that the evidence of the respondent herein was closed without giving an opportunity to the petitioner to cross-examine the respondent with reference to the alleged compromise. Since the evidence of the respondent was closed, it is open to the petitioner to file an application for reopening the evidence. On such application being filed, the Presiding Officer shall first pass orders on such application before hearing the main petition.

5.In view of the above, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

cp

To

The Principal District and Sessions Judge,
Thoothukudi.

+1 CC to Mr.RAJIV RUFUS, Advocate (SR-101639[F] dated
27/11/2019)

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