



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2019

CORAM :

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**

Tr.C.M.P (MD)No.433 of 2019

and C.M.P. (MD) No.9926 of 2019

Sujamalar

... Petitioner/Respondent

Vs.

V.Cibi Costro

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.42 of 2019 pending on the file of the Additional Sub Court, Tirunelveli District and transfer the same to the Sub Court, Thoothukudi District.

For Petitioner : Mr.S.Bharathi
For Respondent : No appearance

J U D G M E N T

Though the respondent is served through court as well as privately on 15.11.2019 and entered appearance through counsel, none appeared when the matter was listed on 10.12.2019. On that day, since there was no appearance, the matter was directed to be posted under the caption 'for orders'. Again on 11.12.2019, the matter was adjourned to 16.12.2019. Even today, none appears for the respondent.

2. The petitioner seeks transfer of H.M.O.P.No.42 of 2019 pending on the file of the Additional Sub Court, Tirunelveli to the Sub Court, Tuticorin. According to the petitioner, she is now residing at Tuticorin and the respondent is also a resident of Tuticorin. Both the court notice as well as private notice have been sent to the address of the respondent at Tuticorin and he has received the same.

3. Considering the above, I find justification in the request of the petitioner for transfer of H.M.O.P.No.42 of 2019 from the file of the Additional Sub Court, Tirunelveli to the file of the Principal Sub Court, Tuticorin. Hence, H.M.O.P.No.42 of 2019 is withdrawn from the file of the Additional Sub Court, Tirunelveli and transferred to the file of the Principal Sub Court, Tuticorin. The Additional Sub Court, Tirunelveli, is directed to forward the papers to the Principal Sub Court, Tuticorin.



4. In the result, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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/ /2020

Sub Assistant Registrar(CS)

CM

To,

1.The Additional Sub Court,
Tirunelveli

2.The Principal Sub Court,
Tuticorin.

+1 CC to M/s.S.BHARATHI, Advocate (SR-105286[F] dated 17/12/2019)

Tr.C.M.P(MD)No.433 of 2019
and C.M.P. (MD) No.9926 of 2019
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SMA/09/01/2020/2P/4C