

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3/1/2020

C O R A M:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Tr.C.M.P. No.790 of 2019
and C.M.P. No.22072 of 2019

Subbalakshmi ... Petitioner/Respondent

Vs.

Selvaganesan ... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw H.M.O.P. No.64 of 2015 pending on the file of Principal Subordinate Court, Tenkasi and transfer the same to the Principal Subordinate Court, Nagapattinam District.

Petitioner: Mr.R.Shivakumar,
for M/s.K.M.Vijayan Associates

Respondent: Mr.V.Manohar

ORDER

Transfer Civil Miscellaneous Petition has been filed, to withdraw H.M.O.P. No.64 of 2015 pending on the file of Principal Subordinate Court, Tenkasi and transfer the same to the Principal Subordinate Court, Nagapattinam District.

2. It is not in dispute that there are two matters, viz.Crl.R.C. No.9 of 2019 and one more case at SR stage, which are likely to be numbered and listed for hearing before the Subordinate Court, Mayiladuthurai against the order of the lower court. It is also stated that the parties will have to travel 16 hours from Mayiladuthurai to Tenkasi and it is not connected by rail and it will be difficult for the spouse and the elderly parents, who are going to give evidence to travel such a long distance by bus.

3. He further stated that, Madurai Bench of Madras High Court on 5.8.2019 has passed an order in C.R.P. (MD) SR. No.7339

of 2019, which reads as follows:

" 4. The petitioner requests this court for early disposal of the HMOP. Since the petitioner has paid the amount upto May 2019 and undertakes to pay the balance amount, within a period of two weeks, the order passed by the learned Judge is set aside and the matter is remanded back and considering the submission of the learned counsel for the petitioner and taking into consideration the HMOP is of the year 2015, ends of justice would be met, if the learned Judge is directed to dispose of the HMOP within a time frame.

5. In the result,

i) this Civil Revision is disposed of on the above terms

ii) the learned Additional Subordinate Court, Tenkasi is directed to dispose of HMOP No.64 of 2015 within a period of four (4) months from the date of copy of this order by conducting the trial on day to day basis without unnecessary adjournments to either parties and the parties are directed to give their fullest cooperation for disposal in above case. No costs.

4. Even though four months time had lapsed and that within the period of four months there was an interim order, no further proceedings will be made, taking note of the submission of both parties and that this court has already fixed a time limit, this court is inclined to transfer H.M.O.P. No.64 of 2015 pending on the file of Principal Subordinate Court, Tenkasi to Principal Subordinate Court, Mayiladuthurai, where two other matters are pending and the parties, who are likely to appear or instruct the counsel therein, this court is inclined to transfer the matter and that the petitioner herein submitted that in the next hearing, she will complete the cross-examination of PW1, without seeking any adjournment. Taking note of the fact that the respondent herein is a doctor, the petitioner herein shall not try to drag on the proceedings and make the appearance of the respondent unnecessarily before the court for the purpose of completion of the proceedings to bring the issue to the logical end. The respondent herein will appear before the Principal Subordinate Court, Mayiladuthuri on 27.1.2020 on which date, the cross-examination, shall be conducted by the petitioner herein without any further delay.

5. With the above direction, the Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/--
Assistant Registrar(C.O)

//True Copy//

Sub Assistant Registrar

Asr

To

1) The Sub Judge,
Principal Subordinate Court, Tenkasi

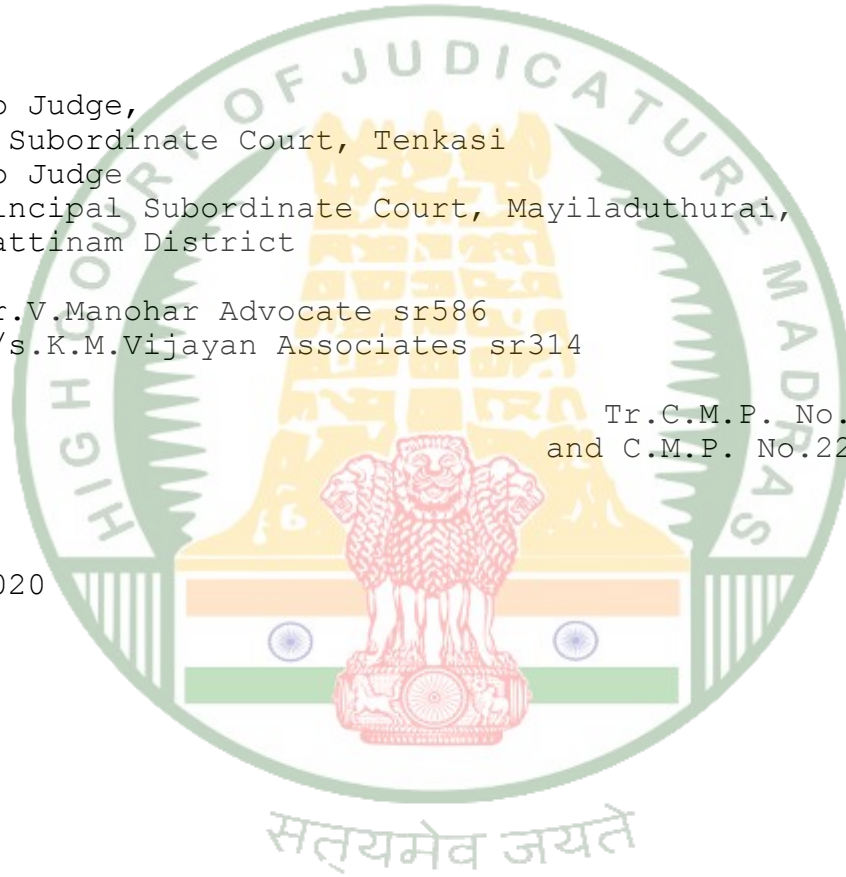
2) The Sub Judge
The Principal Subordinate Court, Mayiladuthurai,
Nagapattinam District

+lcc to Mr.V.Manohar Advocate sr586

+lcc to M/s.K.M.Vijayan Associates sr314

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