

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

T.R.C.M.P.No.972 of 2019
and C.M.P.No.26127 of 2019

A.Abirami

... Petitioner/Respondent

-VS-

D.Nagalingam @ Dhinakaran

... Respondent/Petitioner

PRAYER: Petition is filed under Section 24 of Code of Civil Procedure to withdraw the H.M.O.P.No.52 of 2018 on the file of the Subordinate Court, Poonamallee and transfer the same to the Subordinate Court, Ponneri or any other Court in Chennai.

For Petitioner : Mr.P.Chandrasekar

For Respondent : No Appearance (Name Printed)

O R D E R

The present petition has been filed to transfer the case in H.M.O.P.No.52 of 2018 on the file of the Subordinate Court, Poonamallee to the file of Sub Court, Ponneri.

2. Learned counsel for the Petitioner has submitted that the respondent has been served privately to the address furnished by him and the notice / letter has been duly delivered to the respondent on 13.12.2019. Learned counsel for the petitioner has also filed the proof into the Registry in support of service effected in USSR No.38504 of 2019.

3. In view of such representation, the name of the respondent was directed to be printed in the cause list on the previous hearing in order to give one more opportunity and despite the same, the respondent has not entered appearance either in-person or through counsel today. Since the respondent has not shown any indulgence to represent the case inspite of receipt of notice, this Court is inclined to grant the relief as such to the petitioner.

4. In the result, the Transfer Civil Miscellaneous Petition is allowed, with a direction to the learned Subordinate Judge, Poonamallee to transfer the case in H.M.O.P.No.52 of 2018 to the file of the Subordinate Court, Ponneri within a period of two weeks from the date of receipt of a copy of this order. On such transfer, the Transferee Court, namely, the Subordinate Court, Ponneri is directed to take up the case in H.M.O.P.No.52 of 2018 and proceed with the same, without adjourning the matter beyond three weeks at any point of time and bring the issue to a logical end as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

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To:

1.The Sub Judge,
Poonamallee.

2.The Sub Judge,
Ponneri.

+1 CC to Mr.P.Chandrasekar, Advocate sr 805.

T.R.C.M.P.No.972 of 2019

RP(CO)

SP(21/02/2020)

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