

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.918 of 2019
and C.M.P.No.25035 of 2019

Mrs.Ragani

... Petitioner/Respondent

-VS-

Mr.S.Ashok Kumar

... Respondent/Petitioner

PRAYER: Petition is filed under Section 24 of Code of Civil Procedure to withdraw the H.M.O.P.No.81 of 2015 from the file of the Subordinate Judge at Kulithalai and transfer the same to the Court of learned Subordinate Judge at Poonamallee.

For Petitioner : Mr.C.Sivanesan

For Respondent : No Appearance

O R D E R

The present petition has been filed to transfer the case in H.M.O.P.No. 81 of 2015 on the file of the Subordinate Court, Kulithalai to the file of Sub Court, Poonamallee.

2. Learned counsel for the Petitioner has submitted that even though the respondent has been served privately to the address furnished by him, the notice / letter has been returned with an endorsement "No Such Addressee" and therefore, it would amount to a deemed service of such notice and the petitioner is entitled to the relief sought for in the petition. Learned counsel for the petitioner has also filed the proof into the Registry in support of service in USSR No.38611 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 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, 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, Kulithalai to transfer the case in H.M.O.P.No. 81 of 2015 to the file of the Subordinate Court, Poonamallee 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, Poonamallee is directed to take up the case in H.M.O.P.No.81 of 2015 and proceed with the same, without adjourning the matter beyond 30 working days 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,
Kulithalai.

2.The Sub Judge,
Poonamallee.

+1 CC to Mr.M. Baskaran, Advocate sr 1090.

T.R.C.M.P.No.918 of 2019

RP (CO)
SP (20/02/2020)

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