

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

T.R.C.M.P.No.917 of 2019
and C.M.P.No.24993 of 2019

D.Ganesh ... Petitioner

-vs-

J.Vaani ... Respondent

PRAYER: Petition is filed under Section 24 of Code of Civil Procedure to withdraw the petition in H.M.O.P.No.1367 of 2019 from the file of IV Additional Family Court at Chennai and transfer the same to Sub Court, Tiruppur.

For Petitioner : Mr.S.Rajkumar
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.1367 of 2019 on the file of the IV Additional Family Court, Chennai to the file of Sub Court, Tiruppur.

2. Learned counsel for the Petitioner has submitted that the respondent has been duly served through counsel, who appears for the respondent before the Lower Court, inspite of which, none appears on behalf of the respondent and therefore, it would be construed as a deemed service and the petitioner is entitled to the relief sought for in the petition.

3. A perusal of the Court bundle reveals that the Court Notice sent to the respondent has also been returned with an endorsement "No Such Door Number."

4. In view of the above, an inference can be drawn that the respondent has no interest to prosecute the matter and has also not shown any indulgence to represent the case. Therefore, this Court is inclined to grant the relief as such to the petitioner.

5. In the result, the Transfer Civil Miscellaneous Petition is allowed, with a direction to the learned IV Additional Family Court Judge, Chennai to transfer the case in H.M.O.P.No.1367 of 2019 to the file of the Subordinate Court, Tiruppur 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, Tiruppur, is directed to take up the case in H.M.O.P.No.1367 of 2019 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.

Sd/-

Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

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To:

- 1.The IV Additional Family Court Judge,
Chennai.
- 2.The Sub Judge,
Tiruppur.

+lcc to Mr.S.Rajkumar, Advocate, SR.No.4208.

T.R.C.M.P.No.917 of 2019

RR(CO)

CSR: 20.02.2020

सत्यमेव जयते

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