

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.960 of 2019
and
C.M.P.No.25989 of 2019

Mrs.M.Gayathri ... Petitioner/Respondent

-vs-
L.Raja Ganapathy ... Respondent/Petitioner

PRAYER: Petition is filed under Section 24 of Code of Civil Procedure to order the withdrawal of the H.M.O.P.No.408 of 2019 filed by the respondent (L.Raja Ganapathy) pending in the Family Court, Krishnagiri and to transfer the same to the Sub Court, Poonamallee to club with the H.M.O.P.No.748 of 2019 for further adjudication.

For Petitioner : Mr.A.L.Namasivayam

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.408 of 2019 on the file of the Family Court, Krishnagiri to the file of Sub Court, Poonamallee so as to be tried with H.M.O.P.No.748 of 2019.

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 "Door Locked" 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.38517 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 today either in-person or through counsel. 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 Family Court, Krishnagiri to transfer the case in H.M.O.P.No.408 of 2019 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.408 of 2019 along with H.M.O.P.No.748 of 2019 and proceed with the same jointly, without adjourning the matter beyond 30 working days at any point of time and bring both the issues to a logical end as expeditiously as possible.

5. At this juncture, the learned counsel for the petitioner has requested this Court to refer the matter for mediation, as there is a possibility for amicable settlement between the parties.

6. In view of the above submission, Mr.T.M.Pappiah, Advocate, 276, New Additional Law Chamber, High Court, Chennai-104 [Mobile No.:9444369569] is appointed as Mediator to mediate between the parties and the parties are directed to appear before the said Mediator on the date and venue convenient to him for the purpose of mediation. It is made clear that in case of no settlement between the parties within 30 days from the date of commencement of mediation, the Mediator shall send a report to the Transferee Court, viz., the Subordinate Court, Poonamallee to that effect so as to enable the said Court to proceed with the matters further and decide the same on merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Family Court Judge, Krishnagiri.
- 2.The Sub Judge,Poonamallee.
- 3.Mr.T.M.Pappiah, Advocate,
276, New Additional Law Chamber,
High Court, Chennai-104.

+2cc to Mr.AL.Namasivayam, Advocate, S.R.No.365

T.R.C.M.P.No.960 of 2019

GP(CO)
GN(24/01/2020)