

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
T.R.C.M.P.No.982 of 2019
and C.M.P.No.26293 of 2019

C.Sandhiya

... Petitioner/Respondent

-vs-

A.Lokesh @ Lokesh Kumar

... Respondent/Petitioner

PRAYER: Petition is filed under Section 24 of Code of Civil Procedure to withdraw the case in H.M.O.P.No.4399 of 2019 on the file of the VII Additional Family Court, Chennai and transfer the same to the file of the Hon'ble Principal Sub-Judge, Thiruvannamalai.

For Petitioner : Mr.S.Silambuselvan

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.4399 of 2019 on the file of the VII Additional Family Court, Chennai to the file of the Principal Sub-Judge, Thiruvannamalai.

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 Unclaimed" 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.2658 of 2020.

3. It is further submitted by the learned counsel for the petitioner that despite effecting substituted service in one of the Tamil dailies, pursuant to the order of this Court dated 21.01.2020, the respondent has not entered appearance either in-person or through counsel today.

4. From the above representations, it is obvious that the respondent has not shown any indulgence to represent the case and 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 VII Additional Family Court Judge, Chennai to transfer the case in H.M.O.P.No.4399 of 2019 to the file of the Principal Sub-Judge, Thiruvannamalai 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 Principal Sub-Court, Thiruvannamalai is directed to take up the case in H.M.O.P.No.4399 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 VII Additional Family Court Judge, Chennai.
- 2.The Principal Sub-Judge, Thiruvannamalai.

+1cc to Mr.S.Silambu Selvan, Advocate, SR.No.8716.

सत्यमेव जयते

T.R.C.M.P.No.982 of 2019

PM(CO)

CSR: 10.03.2020

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