

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.1011 of 2019
and C.M.P.No.26961 of 2019

S.Priya

... Petitioner

-vs-

G.Selvam @ Naresh

... Respondent

PRAYER: Petition is filed under Section 24 of Code of Civil Procedure to withdraw and to transfer H.M.O.P.No.495 of 2019 on the file of the Hon'ble Principal Sub Court, Tambaram to the file of the Hon'ble III Additional Family Court, Chennai to try it along with the M.C.No.285 of 2019.

For Petitioner : Mr.P.Gunaraj

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.495 of 2019 on the file of the Principal Sub Court, Tambaram to the file of the III Additional Family Court, Chennai to be tried along with M.C.No.285 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.461 of 2020.

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 Principal Subordinate Judge, Tambaram to transfer the case in H.M.O.P.No.495 of 2019 to the file of the III Additional Family Court, Chennai 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 III Additional Family Court, Chennai is directed to take up the case in H.M.O.P.No.495 of 2019 along with M.C.No.285 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 Principal Subordinate Judge, Tambaram.
- 2.The III Additional Family Court Judge, Chennai.

+1cc to Mr.P.Gunaraj, Advocate, SR.No.8984.

VG I(CO)

CSR: 04.03.2020

T.R.C.M.P.No.1011 of 2019

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