

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

T.R.C.M.P.No.1039 of 2019
and C.M.P.No.27737 of 2019

Kasthuri

... Petitioner

-vs-

Jayaprathaban

... Respondent

PRAYER: Petition is filed under Section 24 of Code of Civil Procedure to withdraw H.M.O.P.No.133 of 2019 on the file of the Principal Sub Court, Tindivanam and transfer the same to the file of Principal Sub Court, Thiruvannamalai having competent jurisdiction.

For Petitioner : Mr.K.Govi Ganesan

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.133 of 2019 on the file of the Principal Sub Court, Tindivanam to the file of Principal Sub Court, Thiruvannamalai.

2. Learned counsel for the Petitioner has submitted that the respondent has been served privately to the address furnished by him and the notice / letter has been duly delivered to the respondent on 04.01.2020 itself. Learned counsel for the petitioner has also filed the proof into the Registry in SR No.1795 of 2020 in support of his service effected.

3. In view of such representation, a presumption can be drawn that the respondent has not shown any indulgence to represent the case inspite of receipt of notice, as the respondent has not entered appearance either in-person or through counsel today and therefore, 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 Sub Judge, Tindivanam to transfer the case in H.M.O.P.No.133 of 2019 to the file of the Principal Sub Court, 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.133 of 2019 and proceed with the same, without adjourning the matter beyond 30 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

// True Copy //

Sub Assistant Registrar

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To:

- 1.The Principal Sub Judge,
Tindivanam.
- 2.The Principal Sub Judge,
Thiruvannamalai.

+lcc to Mr.Mr.K.Govi Ganesan, Advocate, SR.No.5848.

T.R.C.M.P.No.1039 of 2019

CP (CO)

CSR: 28.02.2020

सत्यमेव जयते

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