

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

TR.C.M.P.NO.476 OF 2020

AND

C.M.P.NO.11674 OF 2020

T.Nithya .. Petitioner

vs.

G.Sathish Kumar ... Respondent

Prayer :

Transfer CMP is filed under Section 24 (2) of the Civil Procedure Code, to withdraw and transfer the H.M.O.P.No.1122 of 2020 on the file of the learned Family Court Judge, Tiruppur and transfer the same tried along with H.M.O.P.No.359 of 2020 on the file of the learned Family Court, Perambalur.

For Petitioner : Mr.K.Sanjayan

For Respondent : No such addressee
Not Ready in notice

O R D E R

The petition for transfer is filed to withdraw and transfer the H.M.O.P.No.1122/2020 on the file of the learned Family Court Judge, Tiruppur and transfer the same tried along with H.M.O.P.No.359 of 2020 on the file of the learned Family Court, Perambalur.

2. The learned counsel for the petitioner states that he has taken notice to the respondent. The said notice had not been served and it was returned as no such addressee. The learned counsel for the petitioner further states that he has taken private notice to the learned counsel, who appearing on behalf of the respondent before the trial Court. Even, the said notice also had not been served. The learned counsel for the petitioner expressed his inability to serve notice and made a submission that he is not in a position to do anything.

3. This being the representation made, this Court cannot pass an order on merits without serving notice to the respondent. When the learned counsel for the petitioner expressed his absolute inability to serve notice either to the respondent or to the counsel, who appearing before the trial Court, this Court has no option but to reject the petition.

4. Accordingly, the Transfer Civil Miscellaneous Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

ssb

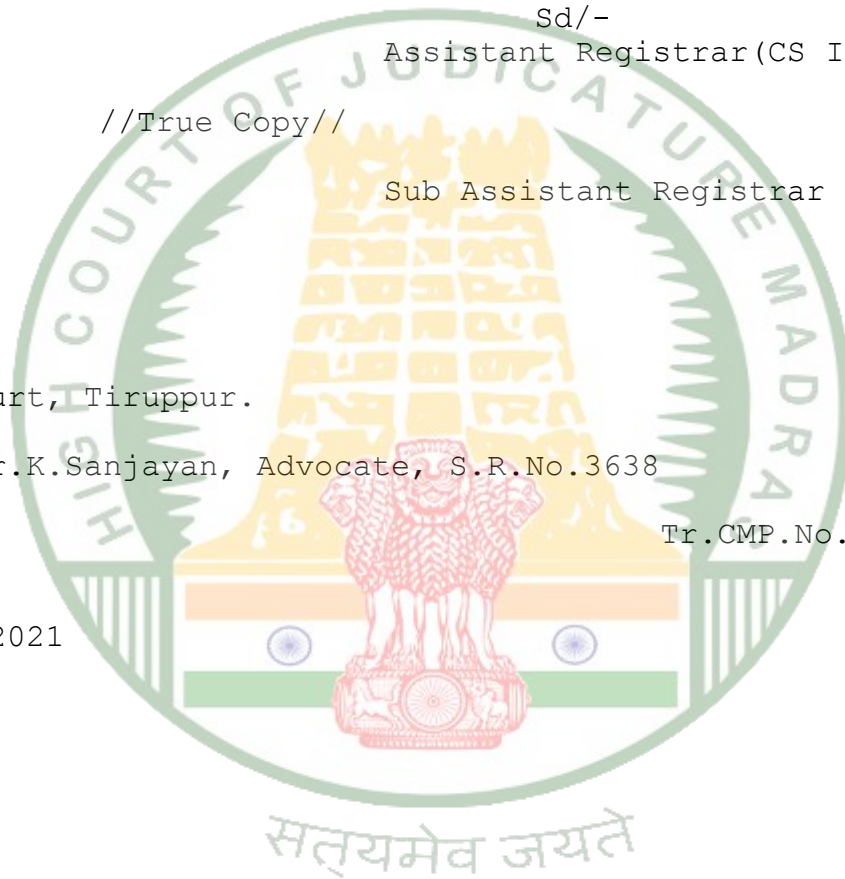
To

The Judge,
Family Court, Tiruppur.

+1cc to Mr.K.Sanjayan, Advocate, S.R.No.3638

Tr.CMP.No.476 of 2020

AD(CO)
CS/16/02/2021



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