



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Monday, the Fourth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CMP(MD) . No.8289 of 2021

in

Tr.C.M.P.No.276 o 2021

P.M.Karthikeyan,

... Petitioner/Respondent

Vs

A.V.Dharshini,

... Respondent/Petitioner

Prayer in CMP(MD) No.8289 of 2021 :

This Civil Miscellaneous Petition filed under Order 41 Rule 21 of C.P.C., r/w Section 151 of Civil Procedure Code, praying that pleased to set aside the order passed by this Hon'ble Court in Tr.CMP.No.276 of 2021 dated 23.08.2021 and rehear the Transfer CMP No.276 of 2021 on the file of this Hon'ble Court.

Prayer in Tr.C.M.P.No.276 of 2021:

Transfer Civil Miscellaneous Petition is filed under Section 24 r/w. 151 of the Code of Civil Procedure, to withdraw the divorce petition in H.M.O.P.No.159 of 2021 on the file of the Subordinate Court, Poonamallee and to transfer the same to the Family Court, Ramanathapuram to be tried along with the petition for restitution of conjugal rights in H.M.O.P.No.99 of 2021.

ORDER:- This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.Parthasarathy, Advocate for the Petitioner and of Mr.J.Barathan, Advocate for the respondent, this Court made the following order:

This Petition has been filed seeking to set aside the order dated 23.08.2021 passed by this Court in Tr.C.M.P(MD)No.276 of 2021 and to rehear the said Tr.C.M.P(MD)No.276 of 2021.

2.Mr.S.Parthasarathy, learned counsel appearing for the petitioner would submit that the said Transfer Civil Miscellaneous Petition was admitted on 19.07.2021 and private notice was ordered and the matter was directed to be listed on 23.08.2021 and when the matter was listed on 23.08.2021 finding that there is no representation for the petitioner/respondent, this Court has passed an exparte order. He would further submit that notice was served on the petitioner/ respondent only on 20.08.2021, thereby, he would seek to set aside the order passed in Tr.C.M.P(MD)No.276 of 2021.



3.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4.It is seen from the records that notice has been served on the respondent on 06.08.2021 and thereafter, the matter has been listed on 23.08.2021. On 23.08.2021, there was no representation for the petitioner/ respondent and therefore, this Court has passed an order on 23.08.2021, after giving sufficient opportunity to the petitioner/ respondent and hence, this Court finds that there is no merit in the petition seeking to set aside the order.

5.Accordingly, this Petition is dismissed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1.The Subordinate Judge,
Poonamallee.

2.The Family Court,
Ramanathapuram.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.I.David Singh, Advocate (SR-31388)

+1 CC to Mr.T.R.Jeyapalam, Advocate (SR-31122)

ORDER DATED : 04/10/2021

=====

ORDER

=====

**CMP(MD) . No.8289 of 2021
Tr.C.M.P(MD)No.276 of 2021
Giving direction and etc.
as stated within.**

SMV(CO)/RS (18.10.2021) 2P 6C