



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

Tr.C.M.P.No.114 of 2022
and
C.M.P.No.2082 of 2022

Vijayalakshmi

... Petitioner

-Vs-

Babu

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.61 of 2020 from the file of the Subordinate Court, Paramakudi and transfer the same to the Family Court, Vellore.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.K.A.Vimal Kumar

ORDER

The wife has filed this petition for transferring the H.M.O.P.No.61 of 2020 filed by the husband on the file of the Subordinate Court, Paramakudi, seeking dissolution of his marriage with the petitioner to the file of the Family Court, Vellore.

2.It is brought to the notice of this Court by the respondent that H.M.O.P.No.61 of 2020 was dismissed. A Xerox copy of the Decree passed in H.M.O.P.No.61 of 2020 dated 02.12.2021 has been produced which shows that an ex parte Decree has been passed dissolving the marriage between the petitioner and the respondent. This Decree has been obtained by the respondent totally suppressing the fact that the petitioner/wife has filed this Transfer Civil Miscellaneous Petition for transfer on 02.02.2022 and an interim Stay has been also obtained by her on 18.02.2022.

3.The learned counsel for the petitioner would submit that they have filed application for setting aside the ex parte, however, no details of the same has been provided.



Be that as it may, considering the fact that an ex parte Decree has been passed, nothing survives for consideration in this petition and the same is dismissed. However, if the ex parte decree is set aside, it is open to the wife to file a fresh application seeking transfer. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Subordinate Judge,
Paramakudi.

2.The Judge,
Family Court,
Vellore.

+lcc to M/s.K.A.Vimal Kumar, Advocate, S.R.No.21179

+lcc to Mr.J.Pradeep, Advocate, S.R.No.21669

Tr.C.M.P.No.114 of 2022
and
C.M.P.No.2082 of 2022

PL (CO)
SB(14/06/2022)