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Tr.C.M.P.No.410 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Tr.C.M.P.No.410 of 2023

and

Cr.M.P.No.8972 of 2023

A.P.Vijakumar

... Petitioner

Vs.

N.Priya

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw and transfer H.M.O.P.No.27 of 2022 pending on the file of the learned Sub Court, Paramathi, Namakkal District to the learned Family Court, Erode.

For Petitioner : Mr.N.Sakthivel

ORDER

This petition is filed seeking to withdraw and transfer the proceedings in H.M.O.P.No.27 of 2022 pending on the file of the learned Sub Court, Paramathi, Namakkal District to the file of the learned Family Court, Erode.



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2. Heard Mr.N.Sakthivel, learned counsel appearing for the petitioner and perused the records.

3. H.M.O.P.No.27 of 2022 is filed by the petitioner/husband against the respondent/wife seeking dissolution of marriage on the ground of cruelty. The respondent/wife stated to have set *ex-parte* and subsequently, moved an application seeking setting aside the *ex-parte* order. Now, the petitioner, who filed H.M.O.P.No.27 of 2022 is seeking transfer of the same on the ground that distance between the place of his residence and the Court is about 140 kms. As, the respondent/wife has already set *ex-parte* the petitioner cannot seek transfer of H.M.O.P.No.27 of 2022.

4. Considering the same, this petition is dismissed with liberty to the petitioner to move similar petition depending upon the result of the petition filed by the respondent/wife for setting aside *ex-parte* orders passed in



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H.M.O.P.No.27 of 2022 dated 02.02.2023. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.04.2023

Index: Yes/No
Speaking Order: Yes/No
ms

To

1. The Sub Judge,
Paramathi .
2. The Presiding Officer,
Family Court,
Erode.



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DR.D.NAGARJUN, J.,

ms

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24.04.2023