



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

TR.C.M.P. (MD) No.205 of 2023

and

C.M.P. (MD) No.4375 of 2023

Keerthana ... Petitioner / Respondent

Vs.

Balakrishnan ... Respondent / Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw and transfer H.M.O.P.No.37 of 2023 on the file of the Family Court, Srivilliputhur to the Family Court, Theni.

For Petitioner : Mr.J.Vishnu

For Respondent : Mr.S.Anwar Sameem

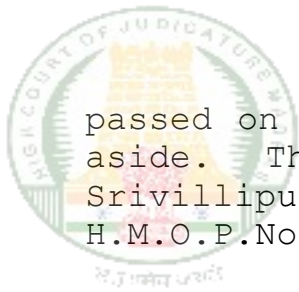
O R D E R

This Transfer Civil Miscellaneous Petition has been filed to transfer H.M.O.P.No.37 of 2023 from the Family Court, Srivilliputhur to the Family Court, Theni.

2. The petitioner had earlier obtained an interim stay for a period of four weeks on 10.04.2023. However, there was no proper communication of the order of this Court dated 10.04.2023 to the Family Court, Srivilliputhur. Meanwhile, H.M.O.P.No.37 of 2023 filed by the respondent before the Family Court, Srivilliputhur appears to be decreed *exparte* on 19.04.2023.

3. Today, when this case is taken up for hearing, the learned counsel for the respondent appears and submits that this Transfer Civil Miscellaneous Petition has become infructuous in the subsequent developments.

4. This Court is of the view that there is no justification in the above submission made by the learned counsel for the respondent as there is a stay operating against the court proceedings in H.M.O.P.No.37 of 2023. Consequently, the order



passed on 19.04.2023 in H.M.O.P.No.37 of 2023 is liable to be set aside. The case is therefore remitted back to the Family Court, Srivilliputhur to set aside the exparte decree and transfer H.M.O.P.No.37 of 2023 to the Family Court, Theni.

5. Considering the fact that the respondent is working in Chennai, the physical appearance of the respondent shall stand dispensed with for regular and routine hearing. However, the respondent shall appear through counsel and shall also appear in person as and when the Family Court, Theni requires the physical appearance of the respondent, failing which, the case will be dismissed for non prosecution.

6. The Family Court, Theni shall dispose of H.M.O.P.No.37 of 2023 (after re-numbering), as expeditiously as possible, preferably, within a period of 12 months from the date of receipt of a copy of this order.

7. This Transfer Civil Miscellaneous Petition is allowed. No cost. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

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To

1.The Judge, Family Court, Srivilliputhur

2.The Judge, Family Court, Theni.

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-28854[F] dated 19/06/2023)

+1 CC to M/s.J.VISHNU, Advocate (SR-29134[F] dated 20/06/2023)

TR.C.M.P.(MD) No.205 of 2023
and C.M.P.(MD) No.4375 of 2023
19.06.2023

MK/10.07.2023 2P 5C