



Tr.CMP.No.65 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.65 of 2023

and

C.M.P.No.1621 of 2023

Chitra

.. Petitioner

Vs.

D.Vijayakumar

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No.132 of 2020 pending on the file of the learned Family Judge at Thoothukudi and transfer the same to the file of the learned Subordinate Judge at Tindivanam.

For Petitioner : Mr.A.R.Suresh

For Respondent : Mr.S.B.Prasanna



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ORDER

The present Transfer Civil Miscellaneous Petition seeks transfer of proceeding in H.M.O.P.No.132 of 2020 pending on the file of the learned Family Judge at Thoothukudi to the file of the learned Subordinate Judge at Tindivanam.

2. Notice was ordered in this application on 01.02.2023. Subsequently, service in that notice had not been completed. Therefore, I ordered a fresh notice on 23.04.2024 and 04.06.2024. Today, when the matter was taken up, Mr.S.B.Prasanna, appearing on behalf of the respondent/husband would state that the Family Court at Thoothukudi has granted an *ex parte* decree for divorce on 07.06.2024. Since the proceedings have already been terminated before the Family Court at Thoothukudi, I am not in a position to consider the present transfer petition.

3. However, in case, the *ex parte* decree is set aside, the wife is at liberty to reopen this Transfer Civil Miscellaneous Petition or file a fresh petition for transfer.

4. With the above observations, the Transfer Civil Miscellaneous



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Petition stands dismissed. No costs. Consequently, connected Civil
Miscellaneous Petition is closed.

01.07.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

V. LAKSHMINARAYANAN, J.



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To

The learned Family Judge,
Thoothukudi

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01.07.2024