



Tr.C.M.P.No.711 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.711 of 2024
and C.M.P.No.15467 of 2024

S.Suganya

.. Petitioner

Vs.

K.G.Ramesh

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw H.M.O.P.No.91 of 2024 on the file of the Family Court at Tiruchirapalli and to transfer the same to the file of the Family Court at Nagapattinam.

For Petitioner : Mr.A.Sundara Vadhanan

For Respondent : Ms.Nair P.Sridevi Pradeep



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ORDER

Heard the learned counsel for the transfer petitioner and the learned counsel for the respondent.

2. A stay order had been granted by this Court on 31.07.2024. In the meantime, the learned trial Judge had set the petitioner exparte and passed an order on the merits of the case on 05.08.2024. I called for a report from the learned Family Court at Tiruchirappalli as to how when an interim order had been granted by this Court, the Court had proceeded to pronounce the judgment on the merits of the case. The report states that when the matter was taken up on 05.08.2024, the transfer petitioner had not informed the Court regarding the stay granted. Apart from that, the report states that this Court had also not communicated the order to the learned trial Judge regarding the interim order. An interim order operates from the date of communication and since communication had not been done, the learned Judge, having being ignorant of the stay order,



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proceeded to pronounce the order. The report of the learned Family Judge at Tiruchirappalli is accepted.

3. The order dated 05.08.2024 being an exparte order, the transfer petitioner having filed a petition to set aside the exparte order, in case she is successful in the said proceedings, it is always open to her to move a fresh transfer petition.

4. With the above observations, the Transfer Civil Miscellaneous Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.10.2024

Index:Yes/No

Internet:Yes/No

Neutral Citation:Yes/No

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V.LAKSHMINARAYANAN,J.

Kj

To

The Family Judge at Tiruchirapalli.

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