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Tr.C.M.P(MD)No.136 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 18.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**Tr.C.M.P(MD)No.136 of 2024
and
C.M.P(MD)No.2762 of 2024**

Mrs.Ram Priya Arunachalam

... Petitioner/Respondent

Vs.

Mr.Arun Kumar

...Respondent/Petitioner

The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.2 of 2024 pending before the learned Sub-Court, Nanguneri and transfer the same to the learned Sub-Court, Sivakasi.

For Petitioner :Mr.S.Muthumalai Raja
For Respondent :No appearance

ORDER

On the last occasion, this Court passed the following order:

“This Transfer Civil Miscellaneous Petition is filed with a prayer to withdraw the H.M.O.P.No.2 of 2024 pending on the file of the Subordinate Court, Nanguneri to the file of the



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Subordinate Court, Sivakasi. The wife is the petitioner. She is praying for transfer by pleading hardship and by stating that she is now residing in Sivakasi in her parental house.

2. When the notice was sought to be served on the respondent / husband, the notice was returned on the ground that he has left for abroad. As a matter of fact, notices have been taken to the last known address of the respondent. Further, the respondent is also represented by a counsel before the trial Court and before the trial Court a memo is already filed stating that the matter is stayed by this Court. The trial Court has also recorded the same and posted the matter on 02.07.2024, in spite of which there is no appearance on behalf of the respondent.

3. Therefore, since the respondent is not appearing in spite of constructive notice, one more opportunity is granted by ordering private notice to the counsel appearing in the said H.M.O.P.No.2 of 2024 for the appearance of the respondent on 11.07.2024 and also private notice is ordered to the respondent through registered post and e-mail.

4. Post on 11.07.2024.”

2. Even private notice to the learned counsel, who appeared before the trial Court is also served. Even thereafter there is no appearance on behalf of the respondent/husband.



3.Considering the reasons mentioned in the affidavit filed in support of the application, this Transfer Civil Miscellaneous Petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petition is also closed.

18.07.2024

NCC:Yes/No
Ns

To

1.The Sub-Court,
Nanguneri.

2.The Sub-Court,
Sivakasi.



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D.BHARATHA CHAKRAVARTHY, J.

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