



Tr.C.M.P.(MD) No.349 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

Tr.C.M.P.(MD) No.349 of 2023

and

C.M.P(MD) No.7454 of 2023

S.Ismath Banu

... Petitioner

Vs.

S.Syed Abuthahir

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the O.S.No.02 of 2023 on the file of the Family Court, Sivagangai and transfer the same to the Family Court of Ramanathapuram District.

For Petitioner : Mr.S.Atham Ali

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife for transfer of O.S.No.2 of 2023 from the Family Court, Sivagangai to the Family Court of Ramanathapuram District.



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2. The learned counsel for the petitioner/wife is present. Though notice was sent to the respondent/husband, he refused to receive the same.

3. According to the petitioner/wife, the respondent/husband has filed O.S.No.2 of 2023 under Order 7 Rule 1 of Code of Civil Procedure, 1908 before the Family Court, Sivaganagi for declaration of the Talaq made for the dissolution of the marriage solemnized between the petitioner/wife and the respondent/husband on 23.05.2004 as valid.

4. It is submitted that the appearance of the petitioner/wife before the Family Court, Sivagangai for every hearing is giving more hardship to the petitioner/wife as travel distance between Ramanathapuram and Sivagangai up and down is about 200 kms and she has to accompany with her sister and is spending nearly Rs.1000/- for each hearing. It is submitted that the petitioner/wife is facing financial crisis as she has no source of income.

5. It is further submitted that the petitioner/wife has also life threat by the relatives and friends of the respondent/husband while traveling to Sivagangai for attending court proceedings and the Family Court, Sivagangai has no jurisdiction to entertain the case since the marriage solemnized between the



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petitioner/wife and the respondent/husband at Ramanathapuram. Their matrimonial life was also only at Ramanathapuram. On the above grounds, the petitioner prays for transfer of O.S.No.2 of 2023 from the Family Court, Sivagangai to the Family Court of Ramanathapuram District.

6. The Hon'ble Supreme Court in the case of **Aarti Rani @ Pinki Devi and others Vs Dharmender Kumar Gupta** reported in **2008 (9) SCC 353** held that convenience of woman is to be taken into consideration.

7. Considering the hardship caused to the petitioner/wife and the convenience of the petitioner/wife, O.S.No.2 of 2023 is directed to be transferred from the Family Court, Sivagangai to the Family Court, Ramanathapuram District.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No cost. Consequently, connected Miscellaneous Petition is closed.

01.08.2023

NCC :Yes/No
Internet: Yes/No
Index: Yes/ No
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K.GOVINDARAJAN THILAKAVADI, J.

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To

- 1.The Judge,
Family Court,
Sivagangai.
- 2.The Judge,
Family Court,
Ramanathapuram.

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