



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2015

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr. CMP. No. 77 of 2015

and

M.P. No. 1 of 2015

Fathima Farzana

.. Petitioner/Respondent

..vs..

A. Ameer Abdullah

.. Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code with a prayer to withdraw the O.S. No. 106 of 2013 from the file of the I Additional Family Court, Chennai and transfer the same to the Family Court at Madurai.

For petitioner : Mr. P. Rajkumar Pandian

For Respondent : Mr S. Jayaseelan

O R D E R

Both the learned counsel on record for the petitioner and the sole respondent are present.

2. The petitioner wife has come before this Court seeking to transfer O.S. No. 106 of 2013, filed by the respondent husband, pending on the file of the I Additional Family Court, Chennai, to the Family Court at Madurai, on the ground that the petitioner is living with her family in Madurai. Learned counsel for the petitioner would further submit that she has got a one year old child and therefore it is impossible for her to come over to Madras and appear before the Family Court at Madras. Moreover, another suit in O.S. No.51/2014 filed by the petitioner wife, is pending on the file of the Family Court, Madurai.

3. Heard learned counsel for both sides.

4. Though the petitioner is not entitled to any relief based on her conduct, namely, filing of the suit O.S. No. 51/2014, after the respondent husband's suit in O.S. No. 106/2013 was decreed on 26.06.2014, interest of justice requires an order of transfer in O.S. No.106/2013 from the file of the I Additional Family Court, Chennai to the Family Court at Madurai, as she has got a one year old baby. Though the petitioner is not entitled to any consideration, the one year old kid alone saves her and makes this Court grant such relief. The marriage between the parties was conducted on 12.07.2012 and they are living separately for the past more than two years. When the matter is called today, both the parties appeared before this Court and they categorically stated that they do not want



to live together and want divorce only. However, the petitioner husband wants the respondent wife not to press the allegations made in the divorce petition against him, for which the respondent wife also agreed. They also filed a joint memo of compromise dated 02.07.2015 to that effect, signed by the petitioner and the sole respondent and their respective learned counsel on record.

5. Hence, this Transfer Civil Miscellaneous Petition is allowed and the case in O.S. No. 106/2013 on the file of the I Additional Family Court, Chennai, is ordered to be transferred to the Family Court at Madurai. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

avr

To

1.The Ist Addl.Family Court, Chennai.

2.The Judge, Family Court, Madurai

1 cc to Mr. P. Rajkumar Pandian, Advocate Sr.No.33268

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