



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2015

CORAM:

THE HON'BLE MR.JUSTICE T.MATHIVANAN

Tr.C.M.P (MD) No.378 of 2015
and
M.P. (MD) No.1 of 2015

Jamila Faritha : Petitioner

Vs.

M.Mohamed Riyazdeen : Respondent

Prayer : This petition is filed under section 24 of the Civil Procedure Code, to withdraw the suit in O.S.No.97 of 2015 on the file of the Principal Family Court, Chennai and to transfer the same to the Family Court, Tirunelveli.

For Petitioner : Mr.S.P.Maharajan

For Respondent : No Appearance

O R D E R

Seeking the relief of withdrawal of the suit in O.S.No.97 of 2015 from the file of the Principal Family Court, Chennai and to transfer the said suit to the file of Family Court, Tirunelveli, the petitioner has approached this court with this petition under section 24 of the Civil Procedure Code.

2.Heard **Mr.S.P.Maharajan**, learned counsel appearing for the petitioner.

3.The petitioner herein is the wife of the respondent and their marriage was solemnized on 06.05.2012 at T.E.S.K Mahal, Palayamkottai. Tirunelveli District. During their wedlock, the petitioner had delivered a female child namely Shifana Fathima. Since, the petitioner was subjected to harassment and physical torture, she happened to leave her matrimonial home on 28.02.2015 along with her female baby and from that date onwards, both of them have been residing in the petitioner's parental house. Under this circumstance, the petitioner had filed a maintenance case in M.C.No.3 of 2015 on the file of the Judicial Magistrate No.3, Tirunelveli against the respondent herein under sections 12 and 19(8) of the Protection of Women from Domestic Violence Act, 2005 seeking the relief of a direction to the respondent to return her jewels and utensils.

4.The petitioner had also filed another maintenance case in M.C.No.36 of 2015 before the Family Court, Tirunelveli claiming a sum of Rs.5,000/- each to the petitioner as well as her child. Under this circumstance, the respondent had filed a suit in O.S.No.97 of 2015 before the Principal Family Court, Chennai.



5. In so far as this suit is concerned, the petitioner has stated that she finds it difficult to travel all along from Tirunelveli to Chennai along with her female baby to attend the proceedings in O.S.No.97 of 2015. Further, she did not have any source of income to maintain herself and her female baby. Therefore, she has come forward with this petition for the transfer of the above said suit in O.S.No.97 of 2015 to the file of the Family Court, Tirunelveli from the file of the Principal Family Court, Chennai.

6. This court has considered the submission made by Mr.S.P.Maharajan, learned counsel appearing for the petitioner and perused the averments of the affidavit filed in support of this petition.

7. Having been considered the related facts and circumstances narrated in the affidavit filed in support of the petition, this court is of view that to meet the ends of justice, it may be expedient to transfer the suit in O.S.No.97 of 2015 from the file of the Principal Family Court, Chennai to the file of the Family Court, Tirunelveli.

8. Accordingly, this petition is allowed and the suit in O.S.No.97 of 2015 is ordered to be withdrawn from the file of the Principal Family Court, Chennai and transferred to the file of the Family Court, Tirunelveli for disposal, in the manner known to law. The transferor Court is ordered to transmit the entire records forthwith to the file of transferee Court, without any delay and the transferee Court, after obtaining the records on transfer, is directed to dispose the matter within a period of four months thereafter. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

To,

1. The Principal Family Court, Chennai.

2. The Family Court, Tirunelveli.

+1cc to M/S.P.Maharajan, Advocate in SR.No. 68708

TS/28.01.2016/2P-4C/AM-MP/

TrCMP (MD) No.378 of 2015

Date :01.12.2015