

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.615 OF 2016
AND CMP.NO.16626 OF 2016

Majed Arafat
S/o. Abdul Majeed Akbar
6400 OHID DR APARTMENT 826,
Plano Texas, USA 75024.
Represented by his Power Agent
Abdul Majeed Akbar ... Petitioner/Plaintiff

versus

1.Sajitha Majed Arafat
2.Head Kazi
Shariat Council
Tamil Nadu Tawheed Jamath
No.25, Armenian Street,
Mannadi, Chennai - 1. ... Respondents

PRAYER: Petition filed under section 24 of the Code of Civil Procedure to withdraw the case in O.S.No.3382 of 2016 from the file of XIV Assistant City Civil Court, Chennai and to transfer the same to District Munsif Court, Thiruvavur to try along with O.S.No.37 of 2015.

For Petitioner : Mr.C.R.Malarvannan
For Respondent-1 : Mr.P.R.B alasubramanian
For Respondent-2 : Dispensed with

O R D E R

Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the first respondent on caveat. Since there is no prayer against the second respondent, notice to the said respondent is dispensed with.

2. By consent, the Transfer Civil Miscellaneous Petition is taken up for final disposal during the time of admission.

3. The respondent initiated proceedings in O.S.No.37 of 2015 before the District Munsif Court, Thiruvapur, praying for a decree, dissolving the marriage with the petitioner.

4. Subsequently, the petitioner filed Civil Suit in O.S.No.3382 of 2016 before the XIV Assistant Judge, City Civil Court, Chennai, praying for a decree of declaration that the Kula Certificate issued by the first respondent is null and void.

5. The petitioner has now come up with this transfer petition to transfer the proceedings in O.S.No.3382 of 2016 from the file of XIV Assistant Judge, City Civil Court, Chennai to the District Munsif Court, Thiruvapur for trial along with O.S.No.37 of 2015.

6. The learned counsel appearing on behalf of the first respondent submitted that it would be in the interest of both parties to try the rival proceedings by the District Munsif Court, Thiruvapur.

7. Since the parties have arrived at a consensus with regard to transfer of proceedings, the transfer petition deserves to be allowed.

8. The proceedings in O.S.No.3382 of 2016 is withdrawn from the file of XIV Assistant Judge, City Civil Court, Chennai and is transferred to the file of District Munsif Court, Thiruvapur, for disposal along with O.S.No.37 of 2015.

9. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

To

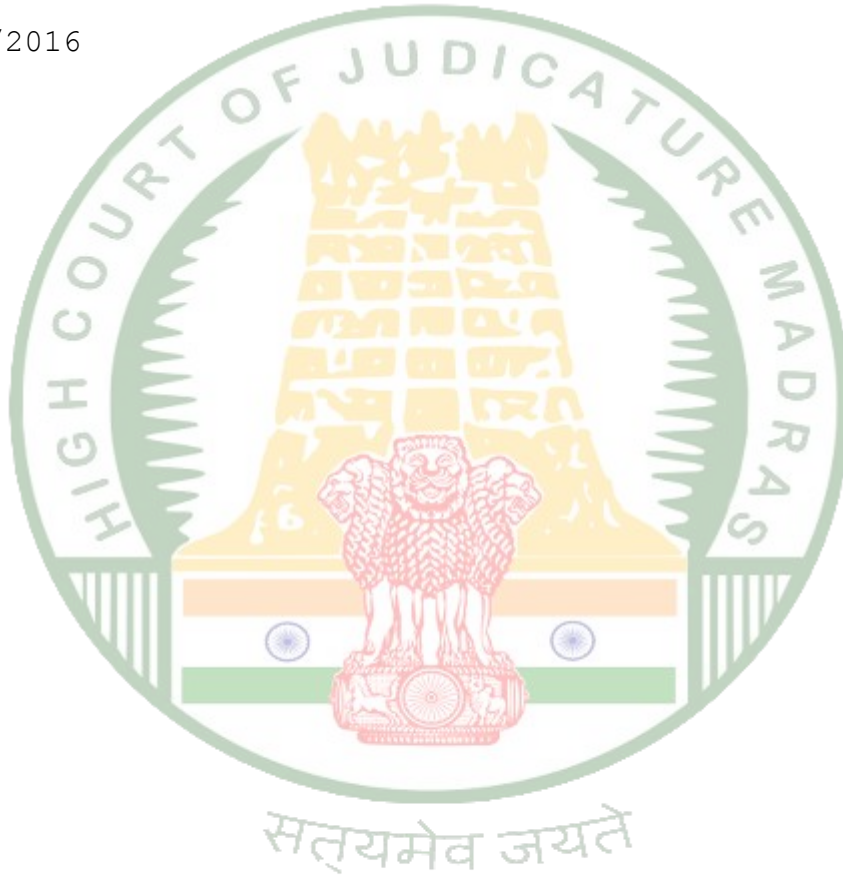
1.The XIV Assistant Judge,
City Civil Court,
Chennai.

2.The District Munsif Court,
Thiruvarur.

+1cc to M/S.P.R.Balasubramanian, Advocate sr.59368
+1cc to M/S.C.R.Malarvannan, Advocate Sr.59275

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srg 24/11/2016



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