



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

TR.CMP(MD)No.405 of 2016

and

C.M.P(MD)No.7813 of 2016

Jibriya Begum

... Petitioner

vs.

M.Syed Shahul Hameed

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw O.S.No.99 of 2016 on the file of the District Munsif Court, Aruppukottai, Virudhunagar District and transfer the same to the file of the District Munsif Court, Tuticorin.

For Petitioner : Mr.M.Arjun Varman

For Respondent : No appearance

ORDER

The case of the petitioner is that the marriage between the petitioner and the respondent was solemnized on 01.12.2004 at Tuticorin, according to Islamic customs. Due to the frequent quarrel between the petitioner and the respondent, the respondent filed O.S.No.99 of 2016 before the District Munsif Court, Aruppukottai, Virudhunagar District, for a declaration to declare the marriage between the petitioner and the respondent as null and void. The petitioner submits that she is living with her parents, who are residing at Tuticorin and not in a position to travel from Tuticorin to Arupukottai, Virudhunagar District. Further, the petitioner filed a maintenance case in M.C.No.22 of 2015 before the Magistrate Court at Tuticorin, which is also pending. Therefore, the present transfer petition is filed seeking transfer of O.S.No.99 of 2016 from the District Munsif Court, Aruppukottai, Virudhunagar District, to the District Munsif Court at Tuticorin.

2.Despite service notice on the respondent and his name is also being printed in the cause list, there is no representation on behalf of the respondent either in person or through pleader and therefore, this Court is constrained to pass orders on merits.

3.Considering the well settled legal position that in transfer petitions, convenience of the wife has to be given preference,



this Court is of the view that the case of the petitioner deserves to be considered and accordingly, this Transfer Civil Miscellaneous Petition is allowed and O.S.No.99 of 2016 on the file of the District Munsif Court, Aruppukottai, Virudhunagar District, is ordered to be transferred to the District Munsif Court, Tuticorin, forthwith. No costs. Consequently, C.M.P(MD) No.7813 of 2016 is closed.

Sd/
Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar.

To
1)The Judge,
District Munsif Court,
Aruppukottai, Virudhunagar District,

2)The Judge,
District Munsif Court,
Tuticorin.

+1CC to M/S.T.Lajapathi Roy, Advocate, SR.No. 62013
+1CC to M/S.M.Mohamed Sharbudeen, Advocate, SR.No. 62053

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