



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

TR.CMP(MD)No.88 of 2016

and

C.M.P(MD)No.1495 of 2016

Abdul Kader Ammal

... Petitioner

vs.

A.Nalla Mohammed

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in OS No.12 of 2015 on the file of Principal District Munsif Court, Tirunelveli, and transfer the same to the file of District Munsif Court, Pollachi for disposal of the same on merits in accordance with law.

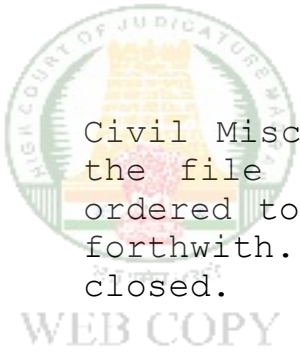
For Petitioner : MR.A.Arumugam for
M/s.Ajmal Associates

ORDER

The marriage between the petitioner and the respondent was solemnized on 13.11.2011 as per the Muslim rites and rituals and out of the wedlock, a female child was born on 03.07.2012 and now under the custody of the petitioner. The respondent filed the suit in OS No.12 of 2015 on the file of Principal District Munsif Court, Tirunelveli, for declaration declaring the Talaq pronounced by him is enforceable and legally valid and consequently, the marriage between the petitioner and the respondent is null and void. The contention of the petitioner is that now she is residing with her parents along with the child and depending on them. Hence, she is not in a position to defend the suit filed by the respondent at Tirunelveli.

2.Despite service of notice, the respondent has not chosen to appear before this Court either in person or through pleader and therefore, this Court is constrained to pass orders on merits.

3.Considering the facts and circumstances of this case and the well settled legal position that in transfer petitions regarding matrimonial disputes, 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. Accordingly, this Transfer



Civil Miscellaneous Petition is allowed and O.S No.12 of 2015 on the file of Principal District Munsif Court, Tirunelveli, is ordered to be transferred to the District Munsif Court, Pollachi, forthwith. No costs. Consequently, C.M.P(MD)No.1495 of 2016 is closed.

Sd/
Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar.

To

1)The Principal District Munsif,
Tirunelveli.

2)The District Munsif,
Pollachi.

+1CC to M/S.Ajmal Associates, SR.No. 63792

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