

HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.201 of 2017

and C.M.P.No.3683 of 2017

M. Ghousia Firdous

... Petitioner

Vs.

T. Irfan Ahmmed

.... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the case O.S.No.280 of 2016 on the file of the III Additional Family Court, Chennai and order transfer the same to the Family Court, Tiruchirapalli and to be tried along with of O.S.No.15 of 2015.

For Petitioner : Mr.J.Nandagopal

For Respondent : Ms.Geetha Ramaseshan

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw O.S.No.280 of 2016 filed by the husband pending on the file of the III Additional Family Court, Chennai and transfer the same to the file of the Family Court, Tiruchirapalli to be tried along with O.S.No.15 of 2015 filed by wife.

2. The parties who are Muslims are in matrimonial dispute. The petitioner is the wife, who has filed, O.S.No.15 of 2015 on the file of the Family Court, Tiruchirapalli seeking declaration that the notices of Talaq issued by the defendant/husband are invalid and not binding on the wife. Similarly, the husband has filed O.S.No.280 of 2016 on the file of the III Additional Family Court, Chennai for declaration that the said Talaq issued by him is valid.

2. From the prayers in both the proceedings, it is clear that the question to be decided by the Court is the same and it will be binding on both the parties. In addition, the petitioner-wife has also filed D.V.No.1 of 2015 before the learned Judicial Magistrate, Tiruchirapalli seeking necessary protection and for maintenance.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

4. In the affidavit filed in support of the petition, the wife has expressed her difficulty in travelling from Trichirapallai to Chennai as she has also to raise the child born out of the wedlock.

5. The only question involved in both the cases is about the validity of Talaq pronounced by the husband.

6. It is stated that in both the cases, the matter is ripe for trial and trial has not commenced. If the suits are allowed to be tried independently, it will be inviting conflict of decisions.

7. Hence, considering the convenience of the wife, it is appropriate to transfer the O.S.No.280 of 2016 pending on the file of the III Additional Family Court, Chennai to the Family Court, Tiruchirappalli.

8. Accordingly, Tr.C.M.P is allowed and O.S.No.280 of 2016 pending on the file of the III Additional Family Court, Chennai shall stand withdrawn and transferred to the file of the Family Court, Tiruchirapalli to be tried along with O.S.No.15 of 2015. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

srn

To

1. The III Additional Family Court, Chennai

2. The Family Court, Tiruchirapalli

+1 CC to Mr.J.Nandagopal, Advocate Sr.No.72157

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KJI (CO)

KP (14.11.2017)

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