

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.11.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.396 of 2017

and

C.M.P.No.7791 of 2017

Shama Kousar Jabeen

.. Petitioner

-Vs-

Mohamed Umar Farook

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw O.S.No.33 of 2017 pending on the file of the Hon'ble Principal District Munsif Court at Cuddalore and transfer the same to the file of the Hon'ble Family Court at Chennai.

For petitioner : Mr.S.Anil Sandeep

For Respondent :Mr.S.N.A.Hssainy

O R D E R

The petitioner-wife has filed the above Tr.C.M.P for transfer of O.S.No.33 of 2017 from the file of the Principal District Munsif Court, Cuddalore to the V Additional Family Court, Chennai.

2. O.S.No.33 of 2017 is filed by the respondent-husband for declaration that the marriage between the petitioner and respondent dated 20.02.2011 stands dissolved.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. It is contended by the learned counsel for the petitioner that the marriage was conducted under the Special Marriage Act and the parties are Muslims. The dissolution of the marriage can be granted only by a District Court and the District Munsif Court has no jurisdiction.

5. It is also stated there were two proceedings initiated by the petitioner-wife. One is O.P.No.2140 of 2017 for divorce on the file of the V Additional Family Court, Chennai and the other is O.S.No.119 of 2017 for permanent injunction restraining the husband from marrying again without obtaining legal divorce from the petitioner. on the file of the V Additional Family Court, Chennai. Both the proceedings were filed before the V Additional Family Court, Chennai. It is stated that in O.P.No.2140 of 2017, the husband has already been set ex-parte and only O.S.No.119 of 2017 is pending. In such circumstances, it is prayed that O.S.No.33 of 2017 on the file of the Principal District Munsif, Cuddalore may be transferred to the V Additional Family Court, Chennai to be tried along with O.S.No.119 of 2017. The learned counsel for the respondent has got no serious objection for the same.

6. Considering the above facts and circumstances and also as the respondent has got no serious objection in allowing this petition, this Court is inclined to transfer O.S.No.33 of 2017 pending on the file of the Principal District Munsif, Cuddalore to V Additional Family Court, Chennai to be tried along with O.S.No.119 of 2017.

7. Accordingly, the Tr.C.M.P is disposed of. O.S.No.33 of 2017 pending on the file of the Principal District Munsif, Cuddalore shall stand withdrawn and transferred to the file of V Additional Family Court, Chennai to be tried along with O.S.No.119 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srn

To

- 1.The Principal District Munsif Cuddalore.
- 2.The V Additional Family Court, Chennai
- +2 ccs to Mr.S.Anil Sandeep Advocate sr 77752
- +1 cc to Mr.S.N.A.Hussainy Advocate sr 77977

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