

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.292 of 2016
and C.M.P.No.8029 of 2016

A. Sulaiha Barvin

... Petitioner

versus

M.Mohamed Feroze

... Respondent

Prayer: This transfer petition has been filed under Section 24 of C.P.C. praying to withdraw the suit in O.S.No.4 of 2016 on the file of the III Additional Family Court, Chennai and transfer the same to the files of the Family Court, Tirunelveli.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.C.S.Saravanan

O R D E R

The parties are muslims. The petitioner/wife in a matrimonial dispute has filed the above transfer petition, seeking to withdraw the suit in O.S.No.4 of 2016 pending on the file of III Additional Family Court, Chennai, which is filed by the respondent/husband for declaration that the marriage between the respondent/plaintiff and the petitioner/defendant be dissolved by the pronouncement of triple thalak.

2. It is stated in the affidavit in paragraph 4 filed in support of the transfer petition that though the petitioner is employed in TATA Consultancy Services, she has been given permission to work from home. Admittedly, there is a child born out of the wedlock is with the mother and she is also taking care of him. Earlier, M.C.No.6 of 2016 filed by the petitioner/wife, before the Family Court, Tirunelveli was also disposed of on 21.04.2016. It is also stated that the distance between Tirunelveli and Chennai is more than 600 kms and it will take nearly 12 hours to reach Chennai. Hence the petitioner/wife is seeking for the above transfer.

3. Heard, both sides. The said petition is vehemently opposed by the learned counsel for the respondent. It is his case that the wife is residing in Chennai at hostel and the transfer is sought for only to harass the respondent/husband.

4. Considering the convenience of the parties especially the wife, as she is residing in Tirunelveli and the distance is more than 600 kms, this Court is inclined to transfer the O.S.No.4 of 2016 from III Additional Family Court, Chennai to Family Court, Tirunelveli. The transfer of the above O.S. would be before the Family Court, Tirunelveli where the presence of the parties for each hearings is mandatory. It is now stated that the wife is yet to file her written statement in the suit. Considering the stage of the suit, the presence of the respondent/husband may be dispensed with for each hearing till such time of commencement of trial.

5. With the above direction, this Transfer Civil Miscellaneous Petition is allowed and O.S.No.4 of 2016, pending on the file of the III Additional Family Court, Chennai shall stand withdrawn and transferred to the file of Family Court, Tirunelveli. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

rsi

To

1. The III Additional Judge,
Family Court, Chennai.

2. The Judge,
Family Court, Tirunelveli.

+1cc to Mr.K.Goviganesan, Advocate SR.No.85361
+1cc to Mr.C.S.Saravanan, Advocate SR.No.85304

Tr.C.M.P.No.292 of 2016
and C.M.P.No.8029 of 2016

MP (CO)
GN(05/01/2018)