

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.481 of 2017
and C.M.P.No.9964 of 2017

Nasrin Fasthima

... Petitioner

versus

I. Abdul Sabrudeen

... Respondent

Prayer:-

The Petition is filed under Section 24 of C.P.C. praying to withdraw O.S.No.20 of 2017 on the file of Family Court, Madurai and transfer the same to Sub Court, Gobichettipalayam or any other Court.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.V.Kannan

O R D E R

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition seeking transfer of O.S.No.20 of 2017, pending on the file of Family Court, Madurai to the file of Subordinate Court, Gobichettipalayam.

2. The respondent/husband filed O.S.No.20 of 2017 under Section 7(1) of the Code of Civil Procedure, before the Family Court, Madurai for divorce and the petitioner/wife filed D.V.C.No.7 of 2017 under Section 12 of the Protection of Women from Domestic Violence Act, before the learned Judicial Magistrate No.II, Gopichettipalayam, which is also pending.

3. It is seen from the affidavit filed in support of the petition that the petitioner/wife is residing at Erode along with her aged parents. It is also stated that since the Family Court, Madurai, where appearance of the parties is mandatory,

and the petitioner/wife is unable to appear regularly for each hearing, as she has no source of income and also her parents are not in a position to accompany her to attend each hearing at Family Court, Madurai. Hence, she sought for the transfer.

4. Heard the learned counsel for the petitioner as well as learned counsel for the respondent. The learned counsel appearing for the respondent had no serious objection for the transfer.

5. As the respondent/husband has already been prosecuting D.V.C.No.7 of 2017 by travelling to Gobichettipalayam, he will not be prejudiced if O.S.No.20 of 2017 is transferred to Subordinate Court, Gobichettipalayam.

6. Accordingly, the Transfer Civil Miscellaneous petition is allowed by withdrawing O.S.No.20 of 2017, pending on the file of Family Court, Madurai and transferring the same to the file of Subordinate Court, Gobichettipalayam. The learned Subordinate Judge, Gobichettipalayam is directed to dispose of O.S.No.20 of 2017 as expeditiously as possible. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Family Judge,
Madurai.
2. The Subordinate Judge,
Gobichettipalayam.

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No.13545

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cs/10/04/18