

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.7 of 2017
and C.M.P.No.268 of 2017

Ayesha Begum

...Petitioner/Defendant

Versus

S.Mohammed Abdul Kadhar

...Respondent/Plaintiff

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw O.S.No.83 of 2016 pending on the file of the District Munsif Court, Thirumayam and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.K.C.Karl Marx

For Respondent : Served-No Appearance

O R D E R

The wife in a matrimonial dispute has preferred the above Transfer Civil Miscellaneous Petition, seeking transfer of O.S.No.83 of 2016 pending on the file of the District Munsif Court, Thirumayam to the Family Court, Chennai.

2. The suit is filed by the respondent-husband for declaration that the petitioner is not his wife and he has pronounced triple talaq.

3. It is stated that though the marriage was solemnized in Pudukkottai, they have been living all through only in Chennai. It is stated in paragraph 10 of the affidavit that Pudukkottai District is an unknown place to the petitioner and she has got nobody in Pudukkottai. She has also stated that she is having a minor child and it would be difficult for her to travel to Thirumayam for attending the Court hearings. Even if it is only for the trial, it is difficult for her to travel to Thirumayam. Hence, the transfer is sought for.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Though the respondent/husband is served with notice, he has not appeared either in person or through counsel.

5. Taking into consideration the above grievances of the petitioner and also considering the fact that the convenience of the wife has to be given importance in the matrimonial proceedings, this Tr.C.M.P is allowed and O.S.No.83 of 2016 pending on the file of the District Munsif, Thirumayam is withdrawn and transferred to the file of the Family Court, Chennai. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

srn

To

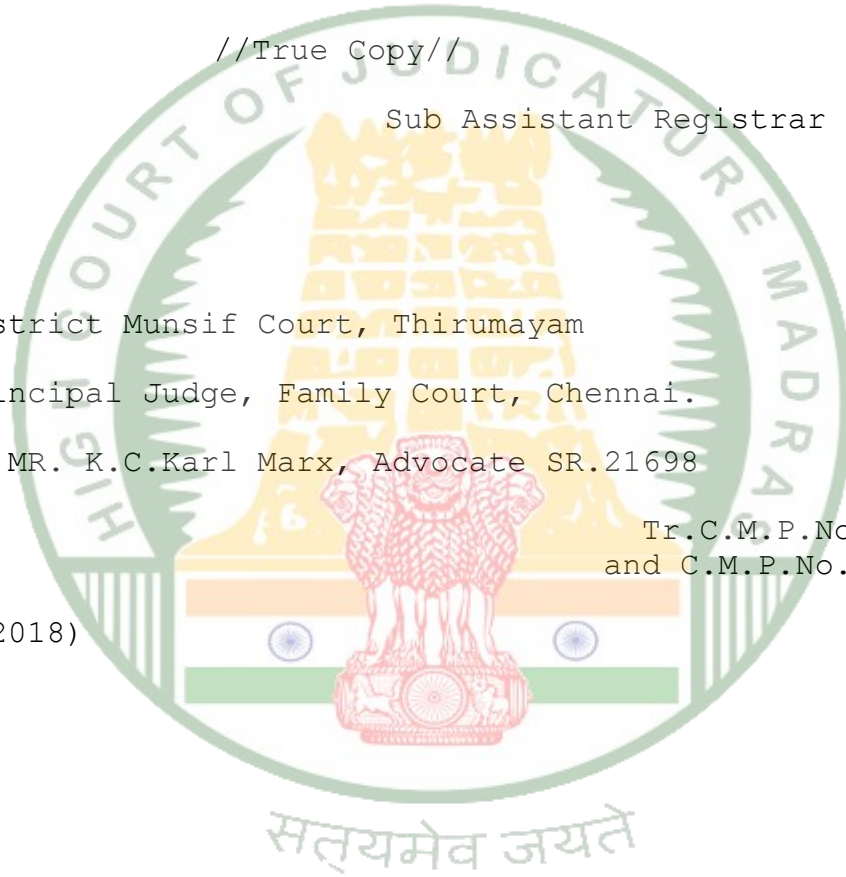
1. The District Munsif Court, Thirumayam

2. The Principal Judge, Family Court, Chennai.

+ 1 cc to MR. K.C.Karl Marx, Advocate SR.21698

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SVI (CO)
EU(10/04/2018)



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