

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.792 of 2017
and C.M.P.No.16110 of 2017

S.Anees Fathima

... Petitioner

versus

S.Syed Ansari

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw O.S.No.28 of 2017 pending on the file of III Additional Family Court, Chennai and transfer the same to Principal Subordinate Court, Thenkasi, Thirunelveli District.

For Petitioner : Mr.M.A.Abdul Hassan Shathali

For Respondent : Md.Ashfaq Ali

ORDER

The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking transfer of O.S.No.28 of 2017 pending on the file of the III Additional Family Court, Chennai to the file of Principal Subordinate Court, Tenkasi, Tirunelveli District.

2. The respondent/husband has filed O.S.No.28 of 2017 under Order VII Rule 1 C.P.C read with Section 281 of the Mohammeden Law, on the file of the Family Court, Chennai seeking for re-union with the petitioner-wife.

3. The petitioner/wife in her affidavit has stated that she is residing at Tenkasi in Thirunelveli along with her two daughters. The distance between Thirunelveli and Chennai is about 625 kms and hence, it would be difficult for her to leave the children with her aged parents and attend the Family Court hearing at Chennai, where the appearance of the parties is also mandatory. Hence, she sought for transfer.

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

5. The learned counsel for the respondent-husband objected for transfer of the suit.

6. The petitioner-wife has expressed her difficulty in travelling to Chennai even for mediation. Considering the grievance expressed by the petitioner-wife, this Court is inclined to transfer the said O.S.No.28

of 2017 pending on the file of III Additional Family Court, Chennai to the Principal Subordinate Court, Tenkasi, Thirunelveli District.

7. Accordingly, the transfer civil miscellaneous petition is allowed and O.S.No.28 of 2017 pending on the file of the III Additional Family Court, Chennai is withdrawn and transferred to the file of the Principal Subordinate Court, Tenkasi, Thirunelveli District. After effecting transfer, the Principal Sub Judge, Tenkasi shall refer the matter to mediation. No costs. Consequently, connected miscellaneous petition is closed.

07.03.2018

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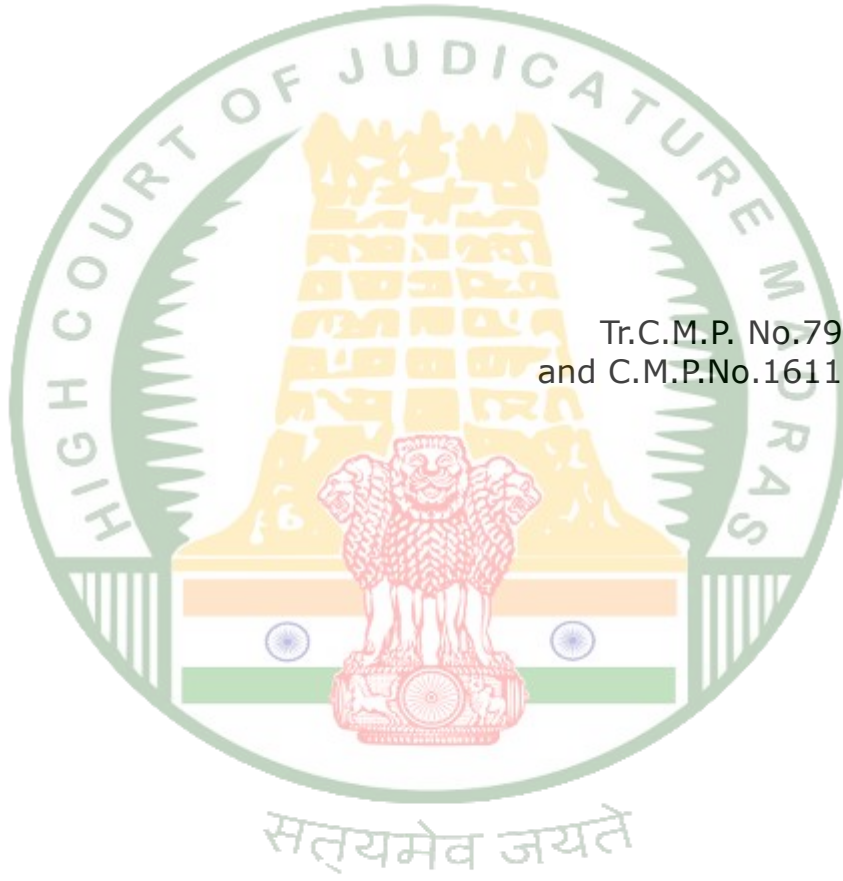
To

1. The III Additional Family Court, Chennai
2. The Principal Subordinate Court, Tenkasi, Tirunelveli District

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PUSHPA SATHYANARAYANA, J.

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