

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 27.08.2018

PRONOUNCED ON : 29.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 896 of 2017

and

CMP.No.18205 of 2017

Sahira Banu

....

Petitioner/Defendant

Vs.

Sheik Mohideen

....

Respondent/Plaintiff

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to order withdrawal of O.S.No.182 of 2017 from the file of I Additional Family Court, Chennai and transfer the same to the file of Family Court, Salem.

For Petitioner : Mr.J.Sudhakaran

For Respondent : No Representation/No appearance
set exparte vide order
dated 27.08.2018

ORDER

The petitioner is the wife. The respondent is the husband.

2.The respondent has levied O.S.No.182 of 2017 against the petitioner for declaration that the marriage conducted between the petitioner and the respondent is dissolved by way of Talaq dated 07.08.2016. The petitioner alleging that she being a pardhashini woman and staying with her aged parents at Attur, Salem District and unable to travel alone from Attur to Chennai to attend the abovesaid suit proceeding laid against her by the respondent, accordingly, sought for the transfer of the abovesaid proceeding from the file of the Family Court, Chennai to the file of the Family Court, Salem, for disposal.

3.The respondent, though, entered appearance in this matter, at the first instance, chose not to contest the petitioner's case, as he had thereafter failed to appear and on being called, he remained absent and has been set exparte.

4.The factum of the petitioner being a pardhashini woman, is not repudiated. It is seen that the petitioner is residing with her aged parents at Attur, Salem District. The petitioner has expressed certain inconvenience and hardship in travelling to Chennai Court alone to meet the suit proceeding laid against her by the respondent. The abovesaid facts had not been controverted by the respondent by contesting this matter. As above seen, he has remained exparte for his non appearance. Accordingly, it is seen that the petitioner has made out a sufficient cause for effecting the transfer request put forth by her. Further, it is also noted that inasmuch as the transfer of the proceeding from Chennai Court to Salem Court would not cause serious prejudice to the respondent, it is seen that he has not chosen to contest the matter.

5.For the reasons aforesated, it is seen that the transfer request of the petitioner is acceptable. Accordingly, O.S.No.182 of 2017 is withdrawn from the file of the I Additional Family Court, Chennai and transferred to the file of the Family Court, Salem for disposal according to law.

Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected CMP.No.18205 of 2017 is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The I Additional Family Court, Chennai.

2. The Family Court, Salem.

+1cc to Mr.J.Sudhakaran, Advocate, S.R.No.59213

+1cc to Mr.Ashfaq Rafi, Advocate, S.R.No.59049

Transfer CMP.No. 896 of 2017
and
CMP.No.18205 of 2017

SR(CO)
GSP(17/09/2018)