

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.08.2018

PRONOUNCED ON : 28.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 510 of 2018

and

CMP.No. 12502 of 2018

Farheen Banu ...Petitioner/Plaintiff

Vs.

Thameem Safiullah ...Respondent/Defendant

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw O.S.No.37 of 2018 pending on the file of the Learned District Munsif Court, Ramanathapuram and transfer the same to the District Munsif Court at Tambaram.

For Petitioner : Mr.S.Rishi Balan Nithian

For Respondent : Mr.M.Subash Pandiyan

ORDER

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

2.The marital life between the parties is not cordial.

3.Materials placed on record go to show that the respondent has filed O.S.No.37 of 2018 to declare that the Thaluk pronounced by the respondent as against the marriage conducted between the petitioner and the respondent is valid in law.

4.It is also noted that the petitioner and her minor daughter have presented a maintenance case against the respondent in MC.No.19 of 2018 and the same is pending on the file of the Judicial Magistrate Court, Tambaram.

5.Putting forth certain inconvenience and hardship in attending the proceeding at Ramanathapuram Court laid by the respondent and stating that she has to look after her minor child and therefore, also contending that she has levied a maintenance claim against the respondent, which is pending on

the file of the Judicial Magistrate Court, Tambaram, accordingly, the petitioner has come forward with the present transfer petition seeking transfer of the abovesaid suit laid by the respondent to the file of the District Munsif Court, Tambaram for disposal.

6. Inasmuch as the petitioner has laid the maintenance case against the respondent at Tambaram Court, it is found that the respondent would be required to attend the said proceeding at Tambaram. Accordingly, it is found that when in respect of the marital issue between the parties, the suit has come to be laid by the respondent at Ramanathapuram Court, if the transfer request of the petitioner is accepted and the same be transferred to Tambaram Court, it is found that no serious hardship and prejudice would be caused to the respondent and in such view of the matter, it is seen that the transfer request of the petitioner is found to be bonafide. Further, the respondent being found to be the resident of Bangalore, as could be seen from the address furnished in the plaint preferred by him, it is found that no loss or inconvenience would be caused to the respondent, if the proceeding is transferred to Tambaram Court for disposal.

7. For the reasons aforesaid, O.S.No.37 of 2018 is withdrawn from the file of the District Munsif Court, Ramanathapuram and transferred to the District Munsif Court, Tambaram for disposal according to law.

Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected CMP No.12502 of 2018 is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

sms

To

1.The District Munsif Court, Ramanathapuram.

2.The District Munsif Court, Tambaram.

+ 2 ccs to Mr.S. Richi Balan Nithan, Advocate Sr.58959

+ 1 cc to MR. P. Vasanth, Advocate SR.57734

Transfer CMP.No. 510 of 2018

and

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AD (CO)

EU (18/09/2018)

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