



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2018

CORAM :

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Tr.C.M.P. (MD) .No.429 of 2018
and
C.M.P. (MD) No.10113 of 2018

U.Majitha ... Petitioner
Vs.
Y.Umarfarook ... Respondent

Prayer: Petition - filed under Section 24 of the Civil Procedure Code, to withdraw O.S.No.228 of 2017 pending on the file of the District Munsif at Thiruvottiyur, and transfer the same to the District Munsif Court, Padmanabhapuram.

For Petitioner : Mr.R.Jenifar Bibin
For Respondent : Mr.Selvakumaran
for B.Deepa

ORDER

The petitioner got married to the respondent on 20.08.2000 at Nagercoil. Two children were born to the petitioner through the said wedlock. The respondent / husband claims that he has pronounced 'Talaq' on her. In order to validate the 'Talaq' pronounced, he filed O.S.No.228 of 2017 before the District Munsif Court, Thiruvottiyur. The petitioner / wife wants transfer of the suit to Padmanabhapuram.

2. Since the petitioner is a woman, it will be difficult for the petitioner to go over to Thiruvottiyur and contest the proceedings there. Therefore, in the interest of justice, this Court withdraws O.S.No.228 of 2017 from the file of the District Munsif at Thiruvottiyur and transfers the same to the District Munsif Court, Padmanabhapuram.

3. Since the case is being transferred to only another Sub Court, the respondent need not appear before the District Munsif Court, Padmanabhapuram, on all occasions. Of course, he has to appear on counselling date and on dates, when his examination as witness is essential. On all other occasions, he can be represented through his counsel. Dispensing with the personal appearance of the respondent is granted in the above terms.



4. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

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/True Copy/

Sub Assistant Registrar(CS-III)

To:

1.The District Munsif at Thiruvottiyur.

2.The District Munsif, Padmanabhapuram.

+1cc to M/S.B.Deepa Advocate in SR.No.93503

+1cc to M/S.R.Jenifar Bibin Advocate in SR.No.93461

Order made in
Tr.C.M.P. (MD).No.429 of 2018

SM

PSSKN SAR3 11.12.2018 2P 5C