

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.194 of 2019
and C.M.P. No.5940 of 2019

Doulath Nisha

... Petitioner

-vs-

1.Faizal Ahamed

2.The Secretary
Sunnath Jamath
Periyapallivasal
Mettupalayam
Coimbatore

... Respondents

Prayer: Petition filed under Section 24 of C.P.C to withdraw and transfer O.S.No.10 of 2017 on the file of Family Court at Erode to the file of Sub Court, Mettupalayam for disposal in accordance with law.

For Petitioner : Mr.M.N.Balakrishnan

For Respondents: Mr.M.Guruprasad, for R1

No appearance for R2.

O R D E R

Doulath Nisha, Petitioner herein, wife of Faizal Ahamed/1st respondent, has come to the court seeking to withdraw and transfer O.S.No.10 of 2017 on the file of learned Family Court at Erode to the file of learned Sub Court, Mettupalayam for disposal in accordance with law.

2. The transfer sought for is from learned Family Court, Erode, to learned Sub Court, Mettupalayam. Learned counsel appearing for the 1st respondent submitted that since examination of P.W.1 and P.W.2 was already over, at this belated stage, it is not open to the wife to seek a transfer from Erode to Mettupalayam. However, both counsel are unable to explain on what ground the divorce petition has been filed under Order VII Rule 1 of CPC in O.S.No.10 of 2017.

3. Be that as it may. Since it is averred in the petition that the Petitioner is residing at Mettupalayam and finding it difficult to take long journey of about 90 kilometers from one side ie., from Mettupalayam to Erode for each and every hearing and also considering the fact that balance of convenience is in favour of the wife, this court is inclined to accede to the request of the transfer. Hence, the Transfer CMP is allowed.

4. Accordingly, the Tr.C.M.P. is allowed and the H.M.O.P.No.10 of 2017 pending on the file of the learned Family Court, Erode, is withdrawn and transferred to the file of the learned Sub Court, Mettupalayam.

5. The learned Sub Judge, Subordinate Court, Mettupalayam, is directed to take up HMOP.10/2017 and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P.No.5940 of 2019 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The Judge,
Family Court at Erode.

2. The Sub Judge,
Subordiante Court, Mettupalayam.

+1cc to Mr.M.N.Balakrishnan, Advocate, S.R.No. 47063

+1cc to Mr.Guruprasad, Advocate, S.R.No. 47166

VSN II(CO)
GN(22/07/2019)

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