

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.138 of 2019
and C.M.P.No.4656 of 2019

M.Ramzan Fathima

... Petitioner

Vs.

P.S.Mohamed Salam Mohideed

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the O.S.No.325 of 2018 on the file of the Principal District Munsif at Karur and transfer the same to District Munsif Court at Udumalpet and try along with O.S.No.365 of 2018 or any other Court.

For Petitioner : Mr.R.Nalliyappan

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of O.S.No.325 of 2018 from the file of the Principal District Munsif, Karur to the file of District Munsif Court, Udumalpet and try along with O.S.No.365 of 2018 or any other Court.

2. Respondent and petitioner are husband and wife. The respondent/husband filed a suit in O.S.No.325 of 2018 for declaration, to declare the marriage between the petitioner and the respondent as terminated. The petitioner/wife filed a petition under Domestic Violence Act in D.V.A.No.5 of 2018 before Judicial Magistrate I, Udumalpet. She has also filed another suit in O.S.No.365 of 2018 for restitution of conjugal rights before Judicial Magistrate I, Udumalpet.

3. Notice has been served to the respondent on 11.03.2019. Despite the service of the notice, the respondent has not chosen to appear before this Court either in person or through counsel.

4. Admittedly, the petitioner/wife is the resident of Komaralingam village, Tirupur District. The distance between her place and Karur is more than 100 Kilometres. She finds it very difficult to travel from her village to Karur for every hearing.

5. Considering the travel, physical hardship caused to the wife and to avoid multiplicity of proceedings and conflict of decisions, this Court in the interest of justice inclined to transfer the suit filed by the husband from the file of Principal District Munsif Court, Karur to the file of District Munsif Court, Udumalpet to be tried along with the suit filed by the wife.

6. Accordingly, O.S.No.325 of 2018 pending on the file of Principal District Munsif, Karur is withdrawn and transferred to the file of District Munsif Court, Udumalpet to be tried along with O.S.No.365 of 2018 pending on the file of the same Court.

7. The Transfer Civil Miscellaneous Appeal is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

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Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

bri

To

1.The Principal District Munsif,
Karur.

2.The District Munsif,
Udamalpet.

+1 CC to M/S.R.NALLIYAPPAN Advocate SR.NO.38386

सत्यमेव जयते

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and

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cm 20/06/2019

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