

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE T.RAJA

Tr.C.M.P.No.324 of 2019

and

C.M.P.No.9399 of 2019

S.Asma

... Petitioner

Vs.

A.Mohammed Ismail

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw and transfer the proceedings in F.C.O.S.No.7 of 2018 from the Family court, Chengalpattu, to the file of Family Court, Villupuram.

For Petitioner : Mr.P.Vasanth

For Respondent : No Appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw F.C.O.S.No.7 of 2018, pending on the file of the Family Court, Chengalpattu, and to transfer the same to the file of the Family Court, Villupuram. Although a notice through Court as well as privately was served on the respondent/husband on 24.05.2019, he has not responded to the same.

2. The petitioner is the wife and the respondent is the husband. The above said F.C.O.S.No.7 of 2018 was filed by the respondent/husband seeking for dissolution of marriage on the grounds of cruelty.

3. Learned counsel for the petitioner submitted that after the marriage was solemnized on 26.12.2010 as per the Muslim rites and customs, they were living happily at the husband's house and out of the said wedlock, they have two children aged about 6 years and 6 months respectively. Now, since the petitioner/wife is having six months baby girl with her custody, she is unable to attend the case filed by her husband in F.C.O.S.No.7 of 2018 on the file of the Family Court, Chengalpattu, seeking for dissolution of marriage, therefore, it is prayed for transferring the same to the file of the Family Court, Villupuram.

4. As stated above, although a notice was served on the respondent/husband on 24.05.2019 itself through Court as well as privately, he has not chosen to appear before this Court and therefore, such an attitude of the respondent clearly shows that he has no objection in transferring the above said F.C.O.S.No.7 of 2018 to the file of the Family Court, Villupuram. Accordingly, F.C.O.S.No.7 of 2018 is withdrawn from the file of the Family Court, Chengalpattu, and consequently, transferred to the file of the Family Court, Villupuram. On such transfer, the Family Court, Villupuram, shall dispose of the same in the manner known to law as expeditiously as possible.

5. With the above direction, the present Transfer Civil Miscellaneous Petition is allowed. Consequently, connected C.M.P.No.9399 of 2019 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkm

To

1. The Judge,
Family Court, Chengalpattu.
2. The Judge,
Family Court, Villupuram.

+1cc to Mr.P.Vasanth, Advocate sr.45893

सत्यमेव जयते

Tr.C.M.P.No.324 of 2019
and
C.M.P.No.9399 of 2019

mp(co)
nr 17/07/2019

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