

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.388 of 2019
and
C.M.P.No.10689 of 2019

Jaseema Yasmine ... Petitioner / Defendant

Vs.

M.Mohamed Riyaash ... Respondent / Plaintiff

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the Suit in O.S.No.38 of 2016 on the file of the VII Additional Family Court, Chennai and transfer the same to the file of the Sub Court, Dharapuram.

For Petitioner : Mr.Dhana Aravindha Balaji
For Respondent : Mr.J.Abdul Hadi

ORDER

This petition has been filed by the petitioner/wife, seeking transfer of O.S.No.38 of 2016 from the file of the VII Additional Family Court, Chennai, to the file of the Sub Court, Dharapuram.

2. It is stated in the affidavit filed in support of this petition that the marriage between the petitioner and the respondent was solemnized on 19.12.2011 at Tamil Nadu Haj Services Society Hall, Choolai, Chennai - 600112 as per Islamic Religious Rites and Customs, and the same was registered before the Burma Tamil Muslim Jumma Mosque, Chennai - 600081 and Khadeem Nanganallur Walajah Masjid, Chennai - 600114. At the time of the marriage, the petitioner was working in Karur Vysya Bank, Dharapuram, and after the marriage, there was a dispute arose between the petitioner and the respondent, and therefore the petitioner had quitted her job on 13.06.2012. Thereafter, since the petitioner was being pregnant, she called her parents and went to her parents' home on 08.10.2012, where she was blessed with a female child. When the child was born, the

respondent was informed about the birth of the child, but the respondent did not even turn up to see the child even after several intimations.

3. It is further stated in the affidavit that the petitioner had called the respondent to come and take her back to the home, but the respondent did not come, and later, he went to the Dharapuram Jamat with an application stating that he is not interested to live with the petitioner. The petitioner was called to the Jamath and she expressed her willingness to live with the respondent, but the respondent did not accept the same, and subsequently, he filed a suit in O.S.No.38 of 2016 before the VII Additional Family Court, Chennai, seeking for a declaration, declaring that the Talaq pronounced by him to the petitioner on 11.12.2015 is valid. Moreover, it is stated in the affidavit that the petitioner and her child are now residing at Dharapuram along with her aged parents and she do not have any independent income of her own. Further, her father had already suffered heard attack and recovered from the same, therefore she could not travel alone to Chennai to attend the hearings in the suit in O.S.No.38 of 2016. Hence, she seeks transfer of the same to the file of the Sub Court, Dharapuram, from the file of the VII Additional Family Court, Chennai.

4. As the reasons stated in the affidavit filed in support of this petition are being satisfied, this Court is inclined to transfer the O.S.No.38 of 2016 from the file of the VII Additional Family Court, Chennai, to the file of the Sub Court, Dharapuram.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the O.S.No.38 of 2016 pending on the file of the VII Additional Family Court, Chennai, is withdrawn and transferred to the file of the Sub Court, Dharapuram. Since the trial has started and it is in part-heard stage, the Sub Court, Dharapuram, is directed to complete the proceedings as expeditiously as possible. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

raja

To

1. The VII Additional Judge,
Family Court,
Chennai.
2. The Subordinate Judge,
Dharapuram.

+1cc to Mr.Dhana Aravindha Balaji, Advocate sr.76753

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sv(co)
nr 11/11/2019