

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.470 of 2019
and C.M.P. No.13253 of 2019

Noorul Ain

... Petitioner

-VS-

Kamaal Nazeer

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw O.S. No.363 of 2018 on the file of Principal District Munsif, Kumbakonam and transfer the same in Family Court, Chennai.

For Petitioner : Mr.Ravichander D.

For Respondent : Mr.B.Dhiyaneswaran

O R D E R

The Transfer C.M.P. has been filed to transfer the O.S. No.363 of 2018 pending on the file of the Principal District Munsif, Kumbakonam to the file of the Family Court, Chennai.

2.Learned counsel appearing for the petitioner would submit that when the marriage between the petitioner and the respondent was solemnised on 26.10.2015 as per Mohammedan law in Hotel Zaitoon, Velacherry, Chennai, suppressing the true set of facts, the respondent filed a suit seeking for dissolution of marriage before the Principal District Munsif, Kumbakonam, which is about 300 kms. away from Chennai, where the petitioner has been residing along with her child, aged about 2 years and 4 months. As the petitioner has to undertake 12 hours long journey along with her child, she has been advised to come to this Court. Therefore, if the O.S. No.363 of 2018 is transferred to the file of the Family Court, Chennai, no prejudice will be caused to the respondent.

3.Heard both sides.

4.Taking note of the facts that the petitioner has to travel long distance from her residence, which is about 300 kms. and the same covers over night to reach Kumbakonam, along with her child, aged about 2 years and 4 months, this Court is inclined

to transfer the O.S. No.363 of 2018 pending before the Principal District Munsif, Kumbakonam to the file of the Family Court, Chennai. Accordingly, the Tr. C.M.P. is allowed and the O.S. No.363 of 2018 pending on the file of the Principal District Munsif, Kumbakonam is withdrawn and transferred to the file of the Family Court, Chennai.

5.The learned Family Judge, Chennai is directed to take up the case and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.13253 of 2019 is closed.

vga

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal District Munsif,
Kumbakonam.

2.The Judge,
Family Court,
Chennai.

+1cc to Mr.D.Ravichander, Advocate, SR.No.72890

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Kak(30/09/2019)