

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2019

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

Tr.C.M.P.No.225 of 2018  
and C.M.P.No.5763 of 2018

N.Naveen Bannu

..

Petitioner

versus

S.Jagir Illiyas

..

Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code, to withdraw the suit in O.S.No.2 of 2018 from the file of the Family Court, Salem and transfer the same to the file of the Sub Court, Hosur.

For Petitioner : Mr.V.Sekar

For Respondent : No Appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed under Section 24 of the Civil Procedure Code, to withdraw the suit in O.S.No.2 of 2018 from the file of the Family Court, Salem and transfer the same to the file of the Sub Court, Hosur.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 26.05.2013 at Seethalakshmi Kalyana Mandapam, Hosur, Krishnagiri District, as per the religious rites and customs prevailed in the Muslim community. After the marriage, both the petitioner and respondent were lived together for a considerable period and thereafter, difference of opinion arose between them, resultantly, the petitioner left the matrimonial home and residing along with her parents. In the meanwhile, the respondent has filed a suit in O.S.No.2 of 2018 against the petitioner before the Family Court, Salem, for the relief of annulling the marriage happened between them on 26.05.2013.

3. The learned counsel for the petitioner submitted that there is an allegation against the petitioner by the respondent that in view of some problem in uterus, conceiving the baby would be a problem and also, the petitioner has been taken medicines for several years. However, the petitioner is

prepared to establish that all the allegations made against her are untrue. The learned counsel further submitted that the petitioner is residing at Hosur with her parents, the distance between her residence and Salem is about 150 kms, being a lady, it is very difficult for her to travel from Hosur to Salem to attend the Court proceedings at Salem. Further, she is depending on her parents for her day-to-day needs without any independent income.

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. This Court had issued notice to the respondent and the same was served as early as on 05.11.2018 and the petitioner has also served private notice on the respondent on 13.02.2019 and filed proof of service. Though Court notice and private notice were served on the respondent and his name is printed in the cause list, there is no representation on behalf of him either in person or through counsel. Hence, the attitude of the respondent would show that he is not having any objection for allowing this petition.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed. The petition in O.S.No.2 of 2018 is ordered to be withdrawn from the file of the Family Court, Salem and transferred to the file of the Sub Court, Hosur. The Judge, Family Court, Salem, is directed to transmit all the records pertaining to O.S.No.2 of 2018 to the file of the Sub Court, Hosur, within a period of two weeks from the date of receipt of a copy of this order. On receipt of records, the learned Subordinate Judge, Hosur, is directed to dispose of the case on merits as expeditiously as possible. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

sri

Sub Assistant Registrar

To

- 1.The Judge, Family Court, Salem.
- 2.The Subordinate Judge, Hosur.

+1 cc to M/s.D.Shivakumaran, Advocate, S.R.No.49658

GP(CO)  
SSM(22/07/2019).

Tr.C.M.P.No.225 of 2018  
and C.M.P.No.5763 of 2018