



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Tr.C.M.P.(MD)No.126 of 2019
and
C.M.P.(MD)No.2748 of 2019

Jameel Fathima

.. Petitioner/Defendant

Vs.

J.Mohammed Kani

.. Respondent/Plaintiff

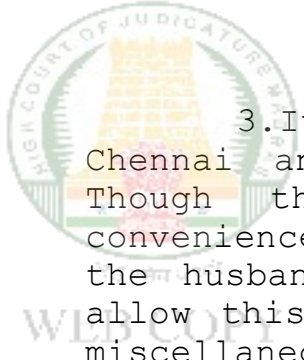
Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to pass an order to withdraw the suit in O.S.No.197 of 2018 from the file of the Principal District Munsif Court, Aruppukkottai and to transfer the same to the file of the learned Sub Judge, Tambaram or else to the file of learned Family Court, Chengalpattu.

For Petitioners : Mr.P.Yasmin Begum
For Respondent : No Appearance

ORDER

This transfer civil miscellaneous petition is filed by the wife to withdraw the original suit in O.S.No.197 of 2008 from the Principal District Munsif, Aruppukkottai and to transfer the same to the Sub Court, Tambaram or any other Court including the Family Court at Chengalpattu. Despite service of notice to the respondent, there is no representation.

2.The respondent filed the suit in O.S.No.197 of 2018 on the file of the Principal District Munsif, Aruppukkottai, for restitution of conjugal rights and mandatory injunction directing the wife to live together with the husband and for consequential relief. The marriage between the petitioner and the respondent was solemnized on 24.07.2016 as per the religious customs of Islam. Though the marriage between the petitioner and respondent was solemnized at Chennai, they were residing at Aruppukkottai, along with the parents of the respondent. In the petition filed by the husband, he stated that the wife was taken to her native at Chennai, by her parents and that the respondent refused to live with him. Serious allegations were also made in the petition with regard to the attempt made by the respondent to kidnap the petitioner.



3. It is not in dispute that the marriage was solemnized at Chennai and the petitioner at present is living in Chennai. Though the respondent is residing at Aruppukkottai, the convenience of wife can be given preference in a petition filed by the husband. In the circumstances, this Court is inclined to allow this transfer petition. As a result, this transfer civil miscellaneous petition is allowed and the suit in O.S.No.197 of 2018 on the file of Principal District Munsif, Aruppukkottai, is withdrawn and the same is transferred to the Principal Sub Court, Tambaram. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS)

TM

To

1. The Principal District Munsif,
Aruppukkottai.
2. The Sub Judge,
Tambaram.

Tr.C.M.P. (MD) .No.126 of 2019

21.06.2019

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