

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.890 of 2019

K.Nazreen

.. Petitioner

Versus

Mohammed Sheriff

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw O.S.No.8 of 2019 pending on the file of learned Family Court, Namakkal, and to transfer the same to the file of learned Family Court, Chennai.

For Petitioner : Mr.D.Saikumaran

For Respondent : Mr.I.Abrar Md Abdullah

O R D E R

Heard the parties through Video Conferencing due to COVID-19 pandemic.

2. The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking to transfer O.S.No.8 of 2019 from the file of learned Family Court, Namakkal, to the file of learned Family Court, Chennai. The above said suit was filed by the respondent/husband seeking for divorce.

3. Mr.D.Saikumaran, learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 20.11.2011 at Shanthi Sesha Mahal, Korattur, Chennai. Out of the said wedlock, they were blessed with a girl child on 16.09.2012. Even before the birth of child, he left to Qatar on 31.11.2015 and promised that he would take back his wife and daughter, but, he did not do so. Therefore, in view of long standing dispute, the petitioner/wife is now living in her parental home with her female child aged about 8 years. It is further submitted that the petitioner/wife is ready for reunion for the future of her daughter and therefore, if the matter is transferred to the learned Family Court Chennai, it will be convenient for her to conduct the case as she is finding it difficult to conduct the case at Namakkal, which is more than 350 kms. from Chennai.

4. Mr.I.Abrar Md. Abdullah, learned counsel for the respondent/husband submitted that the respondent/husband is presently working in Qatar and if the case is transferred to any one of Sub-Courts, where the appearance of party is not mandatory, he can engage a counsel on his behalf.

5. However, considering the fact that the petitioner/wife is living at Chennai with her 8 years old female child, I am of the view that it is difficult for her to undertake long travel from Chennai to Namakkal, which is more than 350 kms., that too, at this trying time due to COVID-19 pandemic. Secondly, the respondent/husband is presently working in Qatar and therefore, undertaking of travel to Chennai will be convenient for him instead of Namakkal or to any other place having Sub-Courts. Therefore, O.S.No.8 of 2019 filed by the husband is withdrawn from the file of learned Family Court, Namakkal, consequently, transferred to the file of learned Family Court, Chennai. On such transfer, learned Family Court, Chennai, shall dispose of the same in the manner known to law as expeditiously as possible. Needless to state that learned Family Court, Chennai, shall issue notice to both parties before taking up the matter. If any application is filed by the respondent/husband for dispensation of his appearance, the same may be considered on merits and in accordance with law. With the above directions, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP.No.24424 of 2019 is closed.

-s/d-

Assistant Registrar(CS-)

True Copy

Sub-Assistant Registrar

To

1.The Judge,Family Court, Namakkal.

2.The Judge, Family Court, Chennai.

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