

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.02.2021
CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.12 of 2021
and
C.M.P.Nos.507 & 508 of 2021

Syeda Shazia

.. Petitioner

vs.

Shak Muhamadu Ismail

.. Respondent

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw O.S.No.50 of 2020 on the file of the District Munsif Court, Sankarapuram and transfer the same to any other competent court, Chennai.

For Petitioner : Mr.A.Tamilvanan
for Mr.S.Kumaran
For Respondent : No-appearance

O R D E R

The petition is filed to transfer O.S.No.50 of 2020 from the District Munsif Court, Sankarapuram to any other competent court, Chennai.

2. The marriage between the petitioner and the respondent was solemnized on 13.05.2016 as per the Muslim Hindu Rites and Customs. The petitioner and the respondent started their matrimonial life happily. Out of wedlock, a female child was born and now aged about three years. The petitioner states that the respondent started harassing the petitioner and therefore, she was forced to leave the matrimonial home and now living along with her parents. The respondent filed O.S.No.50 of 2020 on the file of the District Munsif Court, Sankarapuram for dissolution of marriage.

3. The learned counsel for the petitioner states that the petitioner has to take care of her three year old girl child and her father is also aged about 68 years. She has to travel nearly about 520 kms up and down from Chennai to Sankarapuram for the

purpose of defending the case filed by the respondent. Under these circumstances, the petition filed by the respondent is to be transferred to the Court at Chennai.

4. This Court is of the considered opinion that the place of the wife is to be preferable, in view of the fact that the petitioner has to take care of her three year old girl child and further, she is living with her old aged parents. She cannot alone travel to Sankarapuram and defend the divorce petition. Under these circumstances, this Court is inclined to consider the transfer petition for transfer. Accordingly, O.S.No.50 of 2020 pending on the file of the District Munsif Court, Sankarapuram stands transferred to the Family Court, Chennai.

5. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssb
To

1.The District Munsif, Sankarapuram

2.The Judge,
Family Court, Chennai.

+lcc to Mr.S.Kumaran , Advocate SR.No. 6489

Tr.CMP.No.12 of 2021

A.SK(26.02.2021)

सत्यमेव जयते

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