

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.34 of 2021
and
C.M.P.No.1156 of 2021

N.Safena

... Petitioner

vs.

K.Abdul Munap

... Respondent

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the O.S.No.1 of 2020 from the file of Family Court, Namakkal and to transfer the same to the file of Family Court, Tiruppur.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.T.N.Rangeshkanna

O R D E R

The petition for transfer is filed to transfer O.S.No.1 of 2020 from the Family Court, Namakkal to the Family Court, Tiruppur.

2. The marriage between the petitioner and the respondent was solemnized on 21.01.2018 as per the Muslim Shariat Law. On account of difference of opinion, the petitioner states that she was forced to leave the Matrimonial home and now residing with her parents. The learned counsel for the petitioner states that the petitioner is unemployed and she has no independent source of income. Her parents are also aged and therefore, she is not in a position to contest the Divorce Petition filed by the respondent/husband in O.S.No.1 of 2020 before the Family Court, Namakkal.

3. This Court is of the considered opinion that the petitioner states that the respondent/husband was working at Dubai. However, the learned counsel for the respondent states that now he is in Namakkal and the possibility

of going back to abroad, may not be overruled and as far as the petitioner/wife is concerned, she is residing in her parents house and her parents are also aged and the Courts have repeatedly held that in respect of Matrimonial disputes, the place of wife is to be preferred.

4. This apart, the petitioner has to take care of her two year child and under these circumstances, the case on hand is a fit one for transfer.

5. In view of the facts and circumstances, O.S.No.1 of 2020 pending on the file of the Family Court, Namakkal stands transferred to the Family Court, Tiruppur.

6. Accordingly, this Transfer Civil Miscellaneous Petition No.34 of 2021 stands allowed and O.S.No.1 of 2020 pending on the file of the Family Court, Namakkal, is directed to be transferred to the Family Court, Tiruppur. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Kak
To

1.The Judge,
Family Court, Namakkal.

2.The Judge,
Family Court, Tiruppur.

+lcc to Mr.K.Sudhakar, Advocate Sr.11931

sr II[co]
srg 17/03/2021