



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HON'BLE MR. JUSTICE S.S.SUNDAR

TR CMP No.292 of 2021 and
CMP No.7365 of 2021

M.R.Parishath Banu ...Petitioner / Defendant
Vs
Rukhmann Ali ...Respondent / Plaintiff

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleased to withdraw O.S.No.123 of 2020 filed by the respondent pending on the file of the Subordinate Court, Paramathi and transfer the same to the Family Court, Salem.

For Petitioner : Mr.S.Jeyakumar

For Respondent : No appearance

O R D E R

This Transfer Miscellaneous petition is filed by the wife for withdrawal and transfer of proceedings in O.S.No.123 of 2020 pending before the learned Sub Court, Paramathi to the Family Court, Salem.

2. This Transfer Civil Miscellaneous Petition is preferred by the petitioner/wife on the ground of convenience. The respondent/husband has filed the suit in O.S.No.123 of 2020 on the file of the Sub Court, Paramathi for restitution of conjugal rights. The petitioner/wife also filed a petition before the Additional Mahila Court, Salem in DVC No.35 of 2016 for maintenance and for other reliefs. The case of the petitioner is that the husband did not show any interest in the matrimonial life at any point of time but filed a suit for restitution of conjugal rights. The petitioner states that she is unemployed and is depending on her aged parents. The petitioner at present is living with her male child aged 8 years. Stating that the petitioner is living more than 120 km away from the place of court in which the suit is pending, she seeks transfer on the ground of her convenience.

3. Despite service of notice to the respondent on 17.05.2021, the respondent has not chosen to appear before this



Court either in person or through counsel duly instructed, which shows that the respondent/husband has no reason to deny the averments stated in the affidavit filed in support of the petition filed by the petitioner/wife for transfer of O.S.No.123 of 2020.

4. Considering the fact that the petitioner is living with the child aged 8 years and that it is very difficult to travel 120 km from the place of residence to the Court at Paramathi, this Court is of the view that it would be in the interest of justice to give a fair opportunity to the petitioner/ wife to contest the case. Hence, this Transfer Civil Miscellaneous petition is allowed and the suit in O.S.No.123 of 2020 on the file of the Sub Court, Paramathi is withdrawn and transferred to the Family Court, Salem. In case, the petitioner/wife fails to attend continuously for two hearings, it is open to the respondent / husband to review this order.

Consequently, connected miscellaneous petition is closed.
No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

vum

To

1.The Sub Court,
Paramathi.

2.The Family Court,
Salem.

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VG-II (CO)
RVM(28/07/2021)