



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

TR.C.M.P.NO.377 OF 2021

AND

C.M.P.NO.8727 OF 2021

Mrs.Sharmila Banu

.. Petitioner/
Defendant

Vs

Mr.G.Mahaboob Sheriff

.. Respondent/
Plaintiff

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the suit in O.S.No.09 of 2021 pending from the file of the Family Court at Salem and to transfer the same to the Family Court at Perambalur.

For Petitioner : Mr.G.Ilamurugu

For Respondent : No Appearance

O R D E R

This petition has been filed to withdraw the suit in O.S.No.09 of 2021 pending on the file of the Family Court at Salem and to transfer the same to the Family Court at Perambalur.

2.This transfer civil miscellaneous petition is filed by the wife. The marriage between the petitioner and the respondent was solemnized on 06.08.2006 and the petitioner gave birth to two children due to the wedlock. The second child is a girl and it is stated that the petitioner mother is taking care of her minor children out of the income of her parents. The petitioner states that the respondent is a drunkard and womanizer. It is the case of the petitioner that she was put to tremendous torture and had suffered cruelty at the hands of the respondent and that she was forced to stay away from the husband due to the conduct and attitude of the respondent. The respondent husband filed a suit in O.S. No.09 of 2021 before the Family Court, Salem for the dissolution of marriage and consequential reliefs.



3.The learned counsel for the petitioner states that the Family Court, Salem is far away from place of residence and that the petitioner is unable to travel with children such a long distance to attend the hearings. It is well settled that the wife's convenience should be considered while deciding whether the matrimonial dispute should be transferred to the place of the petitioner/wife.

4.The respondent refused to receive the notice as in the endorsement in the postal acknowledgement. This Court finds that the respondent has nothing to defend at least regarding the statements of facts as found in the affidavit filed in support of this petition about her inconvenience. This Court is fully convinced that the petitioner should not be put to much inconvenience by traveling such a long distance. Hence this Court is inclined to allow this petition. Accordingly, O.S. No.09 of 2021 pending on the file of the Family Court, Salem, is hereby withdrawn and transferred to Family Court, Perambalur. In case the petitioner fails to appear consecutively for two hearings before the Family Court, Perambalur, the respondent will have an option to seek re-transfer.

5. This transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Family Court, Salem.
2. The Family Court, Perambalur.

+1cc to Mr.G.Ilamurugu, Advocate, S.R.No.33224

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PVS (CO)
CS/18/08/2021