



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.428 of 2021

and

CMP.No.10757 of 2021

S. Ayisha

...Petitioner

-vs-

N. Yasar Arbath

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in O.S.No.44 of 2019 from the file of Principal District Munsif Court at Ambur and transfer the same to the District Munsif Court, Tiruvannamalai.

For Petitioner : Mr.B.Jawahar

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the petition in O.S.No.44 of 2019 from the file of Principal District Munsif Court at Ambur and to transfer the same to the District Munsif Court, Tiruvannamalai.

2. The petitioner has filed MC.No.17 of 2020 and DVC.No.74 of 2019 before the Judicial Magistrate Court, Tiruvannamalai, for maintenance and domestic violence. The respondent/husband has filed O.S.No.44 of 2019 before the Principal District Munsif Court at Ambur, for divorce.

3. The learned counsel for the petitioner/wife submitted that the petitioner is residing at Tiruvannamalai which is nearly 120 kms from Ambur. He further submitted that her studies were forcibly stopped by the respondent and at present she is without any income. In such circumstances, it is difficult for



the petitioner to travel from Tiruvannamalai to Ambur for attending the Court hearing in OS.No.44 of 2019. Hence, she seeks to transfer the case from the file of Principal District Munsif Court, Ambur to the file of District Munsif Court, Tiruvannamalai.

4. It is seen from the records that notice has been served on the respondent through Court on 09.08.2021 and though his name appears in the cause list, he did not appear either in person or through any counsel. Hence, this Court proceeds to pass orders on merit.

5. This Court is satisfied with the reasons stated in the affidavit filed in support of this petition.

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner, OS.No.44 of 2019 is withdrawn from the file of the Principal District Munsif Court, Ambur and transferred to the file of the District Munsif Court, Tiruvannamalai, for disposal as per law. The learned Principal District Munsif Court, Ambur, is directed to transmit the papers to the file of the District Munsif, Tiruvannamalai, forthwith. The learned District Munsif, Tiruvannamalai, is directed to dispose of the proceedings in OS.No.44 of 2019 on merits and in accordance with law as expeditiously as possible.

7. In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gv

To:

1. The Principal District Munsif Court,
Ambur
2. The District Munsif Court,
Tiruvannamalai.

Tr.C.M.P.No.428 of 2021
and
CMP.No.10757 of 2021

RLD (CO)

K.RK. (15.09.2021)