



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.26 of 2020

and

C.M.P(MD) No.496 of 2020

Sharmila Parveen ... Petitioner/Respondent

-Vs-

S.Mohamed Hanifa ... Respondent /Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw O.S.No.295 of 2019, on the file of the Family Court No.V, Chennai and transfer the same to the Sub Court, Uthamapalayam, Theni District.

For Petitioner : Mr.K.Appadurai
For Respondent : Mr.S.Ramasamy

O R D E R

The wife seeks transfer of O.S.No.295 of 2019 filed by the husband, seeking Talaq pronounced by him on 31.10.2018, 28.11.2018 and 31.12.2018 is valid.

2.The husband is a resident of Chennai and the wife is a resident of Cumbum, Theni District.

3.Transfer is sought for solely on the ground of convenience of the wife, since the wife is a resident of P.T.Kulam, Cumbam, Theni district.

4.The learned counsel for the respondent husband would oppose the transfer on the ground that the Court at Uthamapalayam will not have jurisdiction as the marriage took place at Chennai.

5.Considering the distance between the two places and the fact that the proceedings have been initiated at the Family Court at Chennai, under Section 2 of Dissolution of Muslim Marriage Act, which requires the presence of the parties for every hearing, I am of the considered opinion that the conduct of the proceedings at Chennai would cause more hardship to the parties. On the other



hand, if the proceedings are transferred to the Sub Court, Uthamapalayam, the husband need not appear for every hearing.

6.In this view of the matter, the suit in O.S.No.295 of 2019 is withdrawn from the file of the Family Court No.V, Chennai and transferred to the file of the Sub Court, Uthamapalayam, to be tried in accordance with law. The Family Court No.V, Chennai is directed to transmit the papers to the Sub Court, Uthamapalayam, forthwith.

7.Accordingly, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

To

1.The Judge,Family Court No.V, Chennai

2.The Sub Judge, Uthamapalayam, Theni District.

3.The Record Keeper, V.R.Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.APPADURAI, Advocate (SR-9947[F] dated 10/03/2021)

Order made in
Tr.C.M.P(MD)No.26 of 2020
and
C.M.P(MD) No.496 of 2020
09.03.2021

VB (30/04/2021) 2P / 6C