



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.218 of 2021

and

C.M.P. (MD) No.4235 of 2021

S.Aasha Rani

... Petitioner/Defendant

-vs-

Mohamed Sha Namasi

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the O.S.No.41 of 2021 on the file of the IV Family Court, Chennai and transfer the same to the file of the District Munsif Court, Manamadurai, Sivagangai District or any other Court.

For Petitioner : Mr.L.Prabhu

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the O.S.No.41 of 2021 on the file of the IV Family Court, Chennai and transfer the same to the file of the District Munsif Court, Manamadurai, Sivagangai District or any other Court.

2.The respondent/ plaintiff has filed O.S.No.41 of 2021 before IV Family Court, Chennai, for restitution of Conjugal Rights.

3. The learned counsel for the petitioner submitted that the petitioner is living with her parents at Manamadurai and the distance between Manamadurai and Chennai is about 480 kms. Further, she has to take three buses to reach to Chennai from Manamadurai. In such circumstances, it is very difficult to travel from Manamadurai to Chennai for attending every hearing in O.S.No.41 of 2021 on the file of the IV Family Court, Chennai.

4.Though the name of the respondent is printed in the cause list, the respondent has not chosen to appear either in person or through counsel duly instructed.



5. This Court considered the arguments made by the learned counsel for the petitioner.

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

7. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner, O.S..No.41 of 2021 is withdrawn from the file of the IV Family Court, Chennai and transferred to the file of the District Munsif Court, Manamadurai, Sivagangai District, for disposal as per law. The learned Judge, IV Family Court, Chennai, is directed to transmit the papers to the District Munsif Court, Manamadurai, Sivagangai District, forthwith. The learned District Munsif, Manamadurai, Sivagangai District, is directed to dispose O.S.No.41 of 2021 on merits and in accordance with law as expeditiously as possible.

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

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS

msa/cp

To:

1.The Judge, IV Family Court, Chennai.

2.The District Munsif, Manamadurai, Sivagangai District.

+1 CC to M/s.L.PRABHU, Advocate (SR-19576[F] dated 18/06/2021)

Order made in
Tr.C.M.P. (MD) No.218 of 2021
and
C.M.P. (MD)No.4235 of 2021

Dated:
17.06.2021

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