



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.202 of 2020
and
C.M.P. (MD) No.4227 of 2020

Shakilabanu ... Petitioner/Defendant-wife

-vs-

Mohammed Hanifa ... Respondent/Plaintiff-husband

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Section 151 of the Code of Civil Procedure, to withdraw the case on the file of the Family Court, Trichy in O.S.No.22 of 2020 and transfer the same to the learned District Munsif Court, Illuppur at Pudukkottai District.

For Petitioner : Mrs.S.Prabha
for M/s.D. RameshKumar
For Respondent : Mr.Senthil

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Family Court, Trichy in O.S.No.22 of 2020 and transfer the same to the learned District Munsif Court, Illuppur at Pudukkottai District.

2.The respondent/husband has filed O.S.No.22 of 2020 before the Family Court, Trichy, for the relief of dissolution of marriage.

3. The learned counsel for the petitioner/wife submitted that the petitioner gave birth to twins child at Government Hospital, Pudukkottai. Due to insufficient nutrition, one child was died in the hospital itself and now, she has one child, aged about one year. The petitioner is residing in Annavasal Village, Illuppur Taluk, Pudukkottai District, therefore, the jurisdiction Court comes under District Munsif Court, Illuppur. Moreover, the petitioner has no source of income and she is depending upon her parents for day today necessities. In this circumstance, it is difficult for the petitioner to travel from Illuppur to Trichy for attending the Court hearing in O.S.No.22 of 2020. Hence, he prays to transfer the case to District Munsif Court, Illuppur at Pudukkottai District.



4. The learned counsel for the respondent/husband would submit that the distance between Illuppur and Trichy is only 40 kms. The petitioner along with henchmen have already attacked the respondent, for which, the respondent lodged a complaint before the Srirangam Police Station. Moreover, since the case is pending before the Family Court, the District Munsif and Subordinate Court cannot exercise the jurisdiction of the Family Court and therefore, the Transfer Petition is not at all maintainable. Only with an intention to drag on the proceedings, the petitioner filed this petition. Hence, he strongly opposed to transfer the case.

5. Considering the submission made by both counsel, this Court feels to transfer the case to the file of Family Court, Pudukkottai.

6. Accordingly, O.S.No.22 of 2020. is withdrawn from the Family Court, Trichy and transferred to the file of Family Court, Pudukkottai for disposal as per law. The learned Judge, Family Court, Trichy, is directed to transmit the papers to the file of the Family Court, Pudukkottai, forthwith. The learned Judge, Family Court, Pudukkottai, is directed to dispose of the proceedings in O.S.No.22 of 2020, on merits and in accordance with law as expeditiously as possible.

7.The personal appearance of both parties before the Family Court, Pudukkottai, is dispensed with, except on the dates of hearing, when the learned Judge insists upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the court.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp



To:

1.The Judge, Family Court, Trichy.

2.The Judge, District Munsif Court,
Iluppur at Pudukottai

+1 CC to M/s.D.SENTHIL, Advocate (SR-22808[F] dated 16/07/2021)

Tr.C.M.P. (MD) No.202 of 2020
and

C.M.P. (MD) No.4227 of 2020

15.07.2021

NSM(CO)

LR (23.07.2021) 3P 4C