



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2021

CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

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Tr.C.M.P(MD)No.307 of 2020
and
C.M.P(MD) No.6659 of 2020

Mubina Mariyam ... Petitioner/Respondent
-Vs-
Mohammed Imam Raja @ Asarutheen ... Respondent /Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the cases in O.S.No.99 of 2020, on the file of District Munsif Court, Uthamapalayam and transfer the same to the file of District Munsif Court, Periyakulam, for the disposal of the case on merits and in accordance with law.

For Petitioner : Mr.R.Gandhi
For Respondent : No appearance.

O R D E R

The wife seeks transfer of O.S.No.99 of 2020, on the file of the District Munsif Court, Uthamapalayam, filed by her, seeking Restitution of Conjugal Rights to the District Munsif Court, Periyakulam.

2.Transfer is sought for mainly on the ground of convenience and on the ground that life and liberty of the petitioner/wife is at danger, since the husband belongs to fundamentalist islamic movement. It is also stated that the relatives of the husband have threatened to harm her, if she is attended the court at Uthamapalayam.

3.Despite service, the husband is not appearing either in person or through counsel duly instructed.

4.Considering the nature of the averments in the affidavit filed in support of this petition, I find that the request for transfer is justified. In view of the same, O.S.No.99 of 2020, on the file of the District Munsif, Uthamapalayam is withdrawn and transferred to the file of the Subordinate Court at Periyakulam, to be tried in accordance with law. The District Munsif, Uthamapalayam is directed to transmit the papers to the Subordinate Court Periyakulam, forthwith.



5. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

To

1.The District Munsif, Uthamapalayam.

2.The Subordinate Court Periyakulam.

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

+1 CC to M/s.R.GANDHI, Advocate (SR-6320[F] dated 19/02/2021)

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kvn (CO)

KK (05.03.2021) 2P 6C