



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.786 of 2022

and

C.M.P.No.13535 of 2022

Mashhootha Banu

... Petitioner

Vs.

Sabeer Ahamed

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the O.S.No.67 of 2021 pending on the file of District Munsif, Panruti and transfer it to the District Munsif, Tambaram, Chennai.

For Petitioner : Mr.S.Mohideen

For Respondent : Mr.R.R.Pradheep

ORDER

The petition for transfer is filed to withdraw the O.S.No.67 of 2021 pending on the file of District Munsif, Panruti and transfer it to the District Munsif, Tambaram, Chennai.



2. The marriage between the petitioner and the respondent was solemnised on 07.06.2015 as per the Muslim Rites and Customs. One female child was born from and out of the wedlock between the petitioner and the respondent. Due to some misunderstanding, the petitioner and the respondent are living separately. The respondent filed OS No.67 of 2021 for annulment of marriage on the file of the District Munsif at Panruti.

3. The learned counsel for the petitioner states that the petitioner is unemployed and now living along with her aged parents. She has to take care of her 7 years old female child. The respondent was working in abroad and now residing at Panruti.

4. The learned counsel for the petitioner states that the petitioner is ready for resuming the matrimonial home and the respondent is not taking any steps to withdraw the suit filed by him for Annulment of Marriage. It is for the parties to negotiate and take a decision.

5. As far as the transfer petitioner is concerned, the petitioner is unemployed and she has to maintain her 7 years old child and further, she is



depending on her aged parents. Thus, she is not in a position to spend, travel and contest the case in District Munsif, Panruti.

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6. Considering the facts and circumstances and on account of bifurcation of territorial jurisdiction, the suit in OS No.67 of 2021 pending on the file of the District Munsif at Panruti stands transferred to the District Munsif Court at Pallavaram.

7. The District Munsif, Panruti is directed to transmit the case papers to the District Munsif, Pallavaram, within a period of four (4) weeks from the date of receipt of a copy of this order.

8. With the abovesaid directions, the Transfer Civil Miscellaneous Petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

07.12.2022

Skr/Jeni
Index : Yes
Speaking order



To

- 1.The Judge,
District Munsif Court,
Panruti.
- 2.The Judicial Magistrate-II,
Tambaram.
- 3.The Judge,
District Munsif Court,
Pallavaram.



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S.M.SUBRAMANIAM, J.

Skr

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