



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2022

CORAM :

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.C.M.P.No.896 of 2021
and
C.M.P.No.20091 of 2021

J.Ashfa Iiham

... Petitioner

Vs.

M.J.Abdul Basith

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to transfer the suit O.S.No.40 of 2021 on the file of the Family Court at Tirunelveli to the files of the Hon'ble Sub-Judicial Magistrate or Additional Mahila Court at Alandur, Chennai to be tried along with M.C.No.46 of 2021.

For Petitioner :M/s.MJ.Jaseem Mohamed

For Respondent :Mr.V.Samuthira Vijayan

O R D E R

The above Transfer Civil Miscellaneous Petition is filed by the wife seeking transfer of the suit O.S.No.40 of 2021 pending on the file of the Family Court, Tirunelveli to the Sub Judicial Magistrate or Additional Mahila Court, Alandur, Chennai to be tried along with M.C.No.46 of 2021.

2. This Court after hearing either counsel had suggested that O.S.No.40 of 2021 pending on the file of the Family Court, Tirunelveli be transferred to the file of the Sub-Judicial Magistrate, Alandur. Considering the fact that the husband has not been paying any maintenance whatsoever to the wife.

3.Though the counsel for the respondent husband who had initially agreed that the matter should be transferred to the file of the Additional Mahila Court, Alandur to be tried along with M.C.No.46 of 2021, later was not agreeable to the same.



However, considering the fact that the respondent husband is not paying maintenance to the petitioner wife he cannot insist on her traveling to Tirunelveli to attend every hearing as the matter is pending before the Family Court. Accordingly, O.S.No.40 of 2021 is withdrawn from the file of the Family Court, Tirunelveli and transferred to the file of the Additional Mahila Court, Alandur.

4. The Transfer Civil Miscellaneous Petition is disposed of on the above lines. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

1.The Judge,
The Family Court, Tirunelveli.

2.The Additional Mahila Court,
Alandur, Chennai.

Tr.C.M.P.No.896 of 2021

AK(CO)
CB(18/02/2022)