



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2022

CORAM

THE HON'BLE Ms.JUSTICE P.T.ASHA

Tr.C.M.P.No.962 of 2021
and C.M.P.No.21461 of 2021

A.Saliha Tabassum

...Petitioner

Vs

S.Umar Sheriff

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw O.S.No.92 of 2021 from the file of Additional Family Court, Coimbatore and transfer the same to the file of the Family Court at Chennai.

For Petitioner : Mr.S.N.A.Hussainy

For Respondent : Mr.L.Mouli

ORDER

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition, seeking transfer of O.S.No.92 of 2021 filed by the respondent-husband for restitution of conjugal rights, pending on the file of the Additional Family Court, Coimbatore to the file of the Family Court, Chennai.

2. On perusing the papers, it appears that the petitioner-wife herself is residing at Vellore. Therefore, the request for transfer to the Family Court at Chennai, cannot be granted. However, the suit O.S.No.92 of 2021 now pending on the file of the Additional Family Court, Coimbatore can be withdrawn and transferred to the file of the Family Court, Vellore.

3. Heard the learned counsel for the petitioner and the respondent and perused the materials available on record.

4. The learned counsel for the respondent-husband, on instructions, would submit that the respondent-husband has no



objection for transfer of the suit to the Family Court at Vellore. However, he would request that the presence of the respondent-husband may be dispensed with for non effective hearings.

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5. Considering the submissions made by the learned counsel on either side, O.S.No.92 of 2021 pending on the file of the Additional Family Court, Coimbatore is withdrawn and transferred to the file of the Family Court, Vellore. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of with a direction to the learned Judge, Family Court, Vellore not to insist upon the presence of the respondent-husband for all non effective hearings except for attending counselling and for adducing evidence. No Costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

srn
To

1. The Additional Judge
Family Court, Coimbatore.
2. The Judge
The Family Court, Vellore.

+1 CC to Mr.L.Mouli, Advocate sr 26997
+1 CC to Mr.S.N.A.Hussainy, Advocate sr 26443.

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SSV(CO)
SP(02/06/2022)