



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.03.2022
CORAM

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

Tr.C.M.P.No.992 of 2021
and
C.M.P.No.21773 of 2021

M.H.Shalma

... Petitioner

Vs

D. Hasen

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the suit in O.S.No.18 of 2021 pending on the file of the Family Court, Salem to the file of the Sub Court, Alandur, to be tried along with D.V.C.No.38 of 2021.

For Petitioner : Mr.S.N. Subramani

For Respondent : Served-No Appearance

O R D E R

The wife in a matrimonial dispute has preferred the above Transfer Civil Miscellaneous Petition, seeking transfer of O.S.No.18 of 2021 pending on the file of the Family Court, Salem to the file of the Sub Court, Alandur.

2. The petitioner-wife has filed an application under Domestic Violence Act in D.V.C.No.38 of 2021 before the learned Additional Mahila Judge (Magisterial Level) at Alandur. Subsequent to receipt of the notice from Alandur Court in DVC Case, the respondent herein filed a suit in O.S.No.18 of 2021 before the Family Court, Salem, seeking restitution of conjugal rights.

3. It is stated by the petitioner that though the marriage was solemnized in Salem, they have been living all through only in Chennai. It is stated in paragraph 3 of the affidavit that she is having one year female child and it would be extremely difficult for her to travel to Salem for attending the Court hearings. Hence, the transfer is sought for.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Though the respondent/husband is served with notice, he has not appeared either in person or through counsel.



5. Taking into consideration the above grievances of the petitioner, this Tr.C.M.P is allowed and O.S.No.18 of 2021 pending on the file of the Family Court, Salem is withdrawn and transferred to the file of the Sub Court, Alandur, to be tried along with D.V.C.No.38 of 2021. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

srn
To

1. The Judge, Family Court, Salem.
2. The Subordinate Judge, Alandur.

+1 cc to Mr.S.N. Subramani, Advocate Sr.NO. 21567
Tr.C.M.P.No.992 of 2021
and
C.M.P.No.21773 of 2021

MT(CO)
A.SK(19/04/2022)