



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1085 of 2022

and

C.M.P.No.18641 of 2022

1. Tmt.Shahanaj Begum
2. Minor.Jahanjip Ilan
3. Minor.Maisha Begum

... Petitioners

Vs.

Thiru. Yaihaiya Adul Kaboor

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw O.S.No.155 of 2022 pending on the file of Learned District Munsif at Thiruvaiyaru and transfer the same to the Learned Family Court at Cuddalore for conducting a joint trial along with M.C.No.28 of 2022 pending on the file of the learned Family Court at Cuddalore filed by the petitioner.

For Petitioners : Mr.B.Gopalakrishnan

For Respondent : Mr.K.Raveendran



ORDER

The petition for transfer is filed to withdraw the O.S.No.155 of 2022 pending on the file of District Munsif Court, Thiruvaiyaru and transfer the same to the Family Court at Cuddalore for conducting a joint trial along with M.C.No.28 of 2022 pending on the file of the Family Court, Cuddalore filed by the petitioner.

2. The marriage between the petitioner and the respondent was solemnised on 29.05.2013 as per the Muslim Rites and Customs. Two children were born namely Jahanjip Ilan, Maisha Begum from and out of wedlock between the first petitioner and the respondent and both the children are living with the first petitioner/mother. The respondent filed O.S.No.155 of 2022 on the file of District Munsif Court, Thiruvaiyaru for annulment of marriage. The first petitioner /wife filed M.C.No.28 of 2022 on the file of Family Court, Cuddalore.

3. The learned counsel for the petitioner states that the first petitioner/wife is unemployed and has to take care of her two minor children. she is now residing along with her parents and depending on her parents for



her livelihood. Thus, she is not in a position to spend, travel and contest the case filed by the respondent before the District Munsif Court, Thiruvaiyaru.

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4. Considering the facts and circumstances, the O.S.No.155 of 2022 pending on the file of District Munsif Court, Thiruvaiyaru stands transferred to the Family Court, Cuddalore. to be tried along with M.C.No.28 of 2022. The District Munsif Court, Thiruvaiyaru, is directed to transmit the case papers to the Family Court, Cuddalore within a period of four (4) weeks from the date of receipt of a copy of this order.

5. 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.

08.12.2022

nti/kak

Index : Yes / No

Speaking order / Non-speaking order

S.M.SUBRAMANIAM, J.



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To

- 1.The Judge,
District Munsif, Thiruvaiyaru.
- 2.The Judge,
Family Court, Cuddalore.

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