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Tr.C.M.P.No.1175 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1175 of 2022

and

C.M.P.No.20057 of 2022

Zuheba Hurmain

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Petitioner

VS

S.Kuthbudheen

..

Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the O.S.No.95 of 2022 from the file of the Hon'ble Principal Family Court, Coimbatore and to transfer the same to the Hon'ble Sub Court, Ranipet, Vellore District.

For Petitioner : Mr.A.Nowfal

For Respondent : Ms.R.Ragini



ORDER

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The transfer application is filed to withdraw the O.S.No.95 of 2022 from the file of the learned Principal Family Court, Coimbatore and to transfer the same to the learned Sub Court, Ranipet, Vellore District.

2. The marriage between the petitioner and the respondent was solemnized on 13.06.2021 as per Muslim Rites and Customs. Due to misunderstandings the petitioner and the respondent are living separately. The learned counsel for the petitioner states that the petitioner is unemployed and now residing along with her parents at Melvisharam, Ranipet District.

3. The respondent filed O.S.No.95 of 2022 for dissolution of marriage on the file of the learned Principal Family Court at Coimbatore. The learned counsel for the petitioner states that the petitioner is depending on her parents and therefore, she cannot travel and contest the divorce case filed by the respondent on the file of the learned Family Court at Coimbatore.



4. The learned counsel appearing for the respondent raised an objection by stating that the family members of the petitioner are threatening the respondent and therefore, the case is to be transferred to any other Court. However, the said arguments are not substantiated with any acceptable evidence and therefore, this Court is not inclined to consider the said submission.

5. Considering the facts and circumstances, O.S.No.95 of 2022 pending on the file of the learned Principal Family Court, Coimbatore stands transferred to learned Sub-Court, Ranipet.

6. Learned Principal Family Court, Coimbatore is directed to transmit the case papers within a period of four weeks from the date of receipt of copy of this order.

7. Accordingly, the transfer petition is allowed. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.



8. The petitioner cannot indulge in any illegal or other activities or threaten the respondent while contesting the case before the Court at Ranipet. If any such inconvenience or threat is caused to the respondent, he is at liberty to approach the jurisdictional police for appropriate action.

21.12.2022

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Index : Yes / No

Speaking order / Non-speaking order

To

1. The Principal Family Court, Coimbatore.
2. The Sub-Court, Ranipet.



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Tr.C.M.P.No.1175 of 2



S.M.SUBRAMANIAM, J.

(drm)

Tr.C.M.P.No.1175 of 2022
and
C.M.P.No.20021 of 2022

21.12.2022