



Tr.C.M.P(MD)Nos.119 & 120 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2022

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Tr.C.M.P(MD)Nos.119 & 120 of 2022

and

C.M.P(MD) Nos.2403 & 2405 of 2022

Aamina Beevi

... Petitioner

-Vs-

Jahir Hussain

... Respondent

Common Prayer: Transfer Civil Miscellaneous Petitions filed under Section 24 of C.P.C., to withdraw the petitions in G.W.O.P.Nos.25 & 27 of 2022 from the file of the District Court, Nagapattinam and transfer the same to the file of the District Court, Madurai.

For Petitioner : Mr.V.Balaji

For Respondent : No appearance

COMMON ORDER

These Transfer Civil Miscellaneous Petitions have been filed seeking transfer of the proceedings in G.W.O.P.Nos.25 & 27 of 2022 from the file of the District Court, Nagapattinam to the District Court, Madurai.



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2.The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 09.08.2007, as per the Muslim customs and out of wedlock, they were blessed with two children. Subsequently, due to some difference of opinion, they separated and the husband went abroad. Thereafter, he filed G.W.O.P.Nos.25 & 27 of 2022 before the District Court, Nagapattinam, through his General Power of Attorney Agent one Habib Natchiar, who is none other than his own sister, under Sections 7(1), 10 and 25 of the Guardian and Wards Act, 1890, seeking custody of her children. According to the petitioner's counsel, when the respondent himself is not available in India, filing of the above petitions seeking custody of children is injustice. Since the petitioner/wife is a resident of Madurai, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in G.W.O.P.Nos.25 & 27 of 2022 from the file of the District Court, Nagapattinam to the District Court, Madurai.

3.The learned counsel appearing for the petitioner submits that the distance between Nagapattinam and Madurai is around 550 kms and it is very difficult for the petitioner to travel such a long distance for



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appearing before the District Court, Nagapattinam for each and every hearing.

4.Though notice was served on the respondent, there is no respondent for the respondent.

5.This Court, being satisfied with the reasons stated in the affidavit filed in support of this petition and also taking into consideration that it is well settled law that convenience of wife is to be taken into consideration at the time of considering transfer applications as held by the Honourable Supreme Court in the judgment reported in ***2008(9)SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)***, is inclined to allow these petitions.

6.In the light of the above, these transfer civil miscellaneous petitions stand allowed. The proceedings in G.W.O.P.Nos.25 & 27 of 2022 on the file of the District Court, Nagapattinam is withdrawn and ordered to be transferred to the file of the District Court, Madurai. The learned Principal District Judge, Nagapattinam is directed to transmit the



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entire case records to the District Court, Madurai forthwith and the learned Judge, District Court, Madurai, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

01.07.2022

Index : Yes/No

Internet : Yes/No

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To

- 1.The District Court, Nagapattinam.
- 2.The District Court, Madurai.
- 3.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI, J.

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Common Order made in
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