



TR.C.M.P(MD).No.235 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2022

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**TR.C.M.P(MD).No.235 of 2022**  
**and C.M.P(MD).No.4056 of 2022**

Mohammed Hussain

... Petitioner

versus

Shameem

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the case in O.S.No.14 of 2022 on the file of the Family Court, Tiruchirappalli and transfer the same to the Family Court, Madurai by restoring the original case number as O.S.No.41 of 2021.

|                |   |                    |
|----------------|---|--------------------|
| For Petitioner | : | Mr.T.Ramasamy      |
| For Respondent | : | Mr.A.Haja Mohideen |



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## **ORDER**

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This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in O.S.No.14 of 2022 on the file of the Family Court, Tiruchirappalli to the file of the Family Court, Madurai by restoring the original case number as O.S.No.41 of 2021.

2.The petitioner and the respondent are the husband and wife. The marriage between the petitioner and the respondent was solemnized on 13.10.2019 which was registered with the Regiment Bazaar Pallivasal Jamath. Subsequently, due to some difference of opinion, they have been living separately for the past two years. At this stage, the petitioner/husband has filed O.S.No.41 of 2022 for dissolving the marriage. At the instance of the respondent/wife, this Court by an order dated 06.01.2022 in Tr.C.M.P(MD).No.464 of 2021 transferred the case in O.S.No.41 of 2021, from the Family Court, Madurai to the Family Court Tiruchirappalli, which was subsequently renumbered as O.S.No.14 of 2022.



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3.The learned counsel for the petitioner submitted that though the case has been transferred to Trichirappalli at the instance of the respondent, she is not appearing before the Family Court, Tiruchirappalli and is not evincing any interest to proceed with the case. Further the respondent has left India and now is working in abroad and therefore, whether it is Madurai or Tiruchirappalli, it does not make any difference for the respondent to appear.

4.The learned counsel appearing for the respondent submitted that respondent due to her employment is now residing in Sharjah and therefore, she has raised her objection to grant the relief sought for by the petitioner.

5.Considering the facts and circumstances of the case and also considering that the case was transferred to the Family Court, Tiruchirappalli by order dated 06.01.2022, this Court is not inclined to interfere with the proceedings, which is pending before the Family Court, Tiruchirappalli. Hence, this Transfer Civil Miscellaneous Petition is dismissed. However, the Family Court, Tiruchirappalli shall endeavour to



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dispose the case in O.S.No.14 of 2022 as expeditiously as possible.

No costs. Consequently, connected miscellaneous petition is closed.

**27.07.2022**

*Rmk/dsk*

Internet: Yes / No

To  
The Judge,  
Family Court,  
Tiruchirappalli.



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**B.PUGALENDHI, J.**

*Rmk/dsk*

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**27.07.2022**