



TR.C.M.P(MD).No.311 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.311 of 2022

and

C.M.P(MD).No.5181 of 2022

Kuthisiya Rani

... Petitioner

versus

Riyas Mohamed Ali

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C. to withdraw the suit in O.S.No.4 of 2022 on the file of the Family Court, Theni and transfer the same to the Sub Court, Paramakudi.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondent : Mr.I.Pinaygash

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of O.S.No.4 of 2022 from the file of Family Court, Theni, to



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the file of the Sub Court, Paramakudi

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2. The petitioner herein is the wife and the respondent herein is the husband. The marriage between them was solemnized on 13.11.2016, as per Muslim Rites and Customs and out of the wedlock, they are blessed with a female child on 24.08.2017. According to the petitioner, she was harassed by the respondent and his family members in physically and mentally and she was also driven out from the matrimonial home. Though several steps were taken, the respondent has not chosen for reunion. Thereafter, the petitioner sent a legal notice dated 03.01.2022 to the respondent seeking maintenance. After receiving the said notice, the respondent, in order to escape from his liability, filed a suit in O.S.No.4 of 2022 before the Family Court, Theni, seeking restitution of conjugal rights. Now, the petitioner and her child are living along with her aged parents at Paramakudi. Since she is not having sufficient means and there is no one to accompany her, she finds it difficult to travel from Paramakudi to Theni. Hence,



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she filed the present Transfer Civil Miscellaneous Petition to transfer the case in O.S.No.4 of 2022 from the file of the Family Court, Theni, to the file of the Sub Court, Paramakudi.

3. The learned counsel appearing for the petitioner submits that the distance between Paramakudi and Theni is around 165 kms. Now, the petitioner and her child are living along with her aged parents at Paramakudi. Further, she is not having sufficient means and she also depends upon her parents to meet out her day-to-day expenses. Since there is no one to accompany her, she finds it difficult to travel from Paramakudi to Theni, for appearing before the Family Court, Theni, for each and every hearing.

4. The learned counsel appearing for the respondent has no objection for transferring the case from the file of the Family Court, Theni, to the file of the Sub Court, Paramakudi.



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5. In view of no objection having been made by the learned counsel for the respondent, this Court is inclined to allow the Transfer Civil Miscellaneous Petition.

6. Accordingly, the Transfer Civil Miscellaneous petition stands allowed. The proceedings in O.S.No.4 of 2022 pending on the file of the Family Court, Theni, is withdrawn and ordered to be transferred to the file of the Sub Court, Paramakudi. The Family Court, Theni, is directed to transmit the entire case records to the Sub Court, Paramakudi, forthwith. The learned Sub Judge, Paramakudi, shall dispose of the case as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet: Yes / No
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To

1. The Family Court,
Theni.
2. The Sub Court,
Paramakudi.



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B.PUGALENDHI, J.

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