



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.464 of 2021
and
C.M.P. (MD) No.8889 of 2021

Shameem ... Petitioner/Defendant
-vs-

Mohammed Hussain ... Respondent/Plaintiff

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw the O.S.No.41 of 2021 on the file of the Family Court, Madurai and transfer to Family Court of Trichy District.

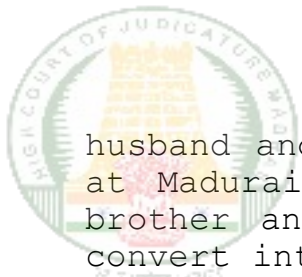
For Petitioner : Mr.A.Haja Muhideen

For Respondent : Mr.S.Vellaichamy
for M.V.Venkataseshan

ORDER

The Petitioner/wife has approached this Court by way of this transfer civil miscellaneous petition seeking transfer of O.S.No.41 of 2021 now pending on the file Family Court, Madurai to the file of the Family Court, Trichy.

2.The petitioner's case is that she is born to a Muslim mother and a Hindu father. Her siblings had converted to Islam and she had come in contact with the Maria Ravi, who was a Christian. They had got married under the Indian Special Marriage Act and through this wedlock, a son Jasmi Rownuck was born to them. Her husband Maira Ravi, all of a sudden, succumbed to a fire accident, in the year 2013. Thereafter, she had joined Bishop Heber College, Trichy as Assistant Professor. On the advise of her elders, she had decided to marry again and she had married the respondent thereafter on 13.10.2019. After the marriage, she and her son also converted to Islam and theirs name were changed as Shameem and Mohamed Jasmin respectively. Initially the matrimonial life went on smoothly. The petitioner would submit that in the course of her employment, she had been asked to take religious class in Christianity, for which, she had to refer to the Bible which was not appreciated by her



husband and his people and when she had come to a matrimonial home at Madurai, her husband on 08.08.2021 called up the petitioner's brother and informed him that the petitioner was taking steps to convert into Christianity and consequently she was thrown out of her matrimonial home. Subsequently, the respondent, who was working in Sharjah left India on 25.08.2021 and the petitioner was slapped with a summon from the Family Court, Madurai, wherein the respondent sought to have the marriage dissolved. The application for divorce is filed before the Family Court at Madurai whereas the petitioner is living at Trichy. She finds it very difficult to travel to Trichy, particularly, in the current pandemic situation and further she has to take care of her son. Therefore, the present petition for transferring the HMOP.

3.Heard the learned counsel appearing on either side and perused the record.

4.The respondent from the averment in the petition, is not living in India but is working at Sharjah. However, the petitioner is working as a Assistant Professor in a college at Trichy. That apart, she has a young son to take care of. Since the matter is pending before the Family Court, Madurai, it is mandatory that the petitioner should be presented for every hearing.

5.In these circumstances, the request for transfer made by the petitioner appears reasonable and accordingly, O.S.No.41 pending on the file of the Family Court, Madurai is withdrawn and transferred to the file of the Family Court, Trihcy.

6.In the result, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp

Note:-

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.



To

1.The Judge, Family Court,
Madurai

2.The Judge, Family Court,
Trichy District.

+1 CC to M/s.M.V.VENKATASESHAN, Advocate (SR-728[F] dated
07/01/2022)

Tr.C.M.P. (MD) No.464 of 2021
and
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SJ(CO)
TR(02.02.2022) 3P 4C