



Tr.C.M.P.No.651 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.651 of 2023

and

C.M.P.No.16112 of 2023

Irfana

... Petitioner

Vs.

K.S. Abuthahir

... Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 to withdraw and transfer O.S.No.2 of 2023 pending on the file of the Family Court at Erode to the file of the Family Court, Chennai District and pass orders.

For Petitioner : Mr. D. Chandraleka

For Respondent : No Appearance



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ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw and transfer O.S.No.2 of 2023 pending on the file of the Family Court at Erode to the file of the Family Court, Chennai District.

2.The case of the petitioner is that she got married with the respondent on 27.01.2019 at Ijthima, Inamkulathur, Trichy as per Muslim rites and ceremonies and due to the said wedlock one child was born to them. Thereafter the respondent demanded dowry from her and ill-treated her and harassed her. Subsequently, the Respondent/husband filed the O.S.No. 2 of 2023 for divorce on the file of Family Court, Erode. Hence, the petitioner has come forward with this present petition to withdraw the O.S.No. 2 of 2023 on the file of Family Court, Erode and transfer the same to the file of Family Court, Chennai District.

3.The learned counsel for the petitioner submitted that now the petitioner is residing along with her parents in Chennai and she is unable to travel to Erode to attend the Court proceedings along with her parents and the child . Because of this, she is facing physical as well as financial issues. Hence, she seeks to withdraw O.S.No. 2 of 2023 on the file of Family



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Court and transfer the same to Family Court, Chennai District. If the case is transferred, no prejudice would be caused to the respondent. Therefore, it will be appropriate to transfer the case filed by the husband.

4.Heard the learned counsel for the petitioner. Perused the materials available on record. It is well settled law that whenever, the transfer application is filed in matrimonial dispute, the convenience of the wife shall be given preference.

5.In view of the above submission made by the learned counsel appearing for the petitioner and considering the facts and circumstances of the case and taking note of the fact that her aged parents and child cannot accompany her during Court proceedings this Court is inclined to withdraw O.S.No.2 of 2023 pending on the file of the Family Court at Erode and transfer the same to the file of the Family Court, Chennai District.

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

11.09.2023

Index:Yes/No
Internet:Yes/No
Speaking Order/Non Speaking Order

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V.BHAVANI SUBBAROYAN., J.

smn

To

- 1.The Family Court at Erode
2. The Family Court, Chennai District

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and
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