



WEB COPY

Tr. CMP. No.661 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

TR.CMP No.661 of 2023
and C.M.P.No.16389 of 2023

Nisha Begum

.... Petitioner

-Vs-

Vazeer

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., to withdraw the suit in O.S.No.129 of 2022 pending on the file of the Hon'ble District Munsif Court at Kulithalai, Karur District and transfer the same to the file of the Hon'ble District Munsif Court, at Udumalpet, Thiruppur District by considering the maintenance case in M.C.No.9 of 2023 on the file of the Hon'ble Judicial Magistrate Court at Udumalpet, Thiruppur.

For Petitioner : Mr.M.Samuel Raja

For Respondent : No appearance

ORDER



This petition has been filed by the petitioner seeking to withdraw the suit in O.S.No.129 of 2022 pending on the file of the Hon'ble District Munsif Court at Kulithalai, Karur District and transfer the same to the file of the Hon'ble District Munsif Court, at Udumalpet, Thiruppur District by considering the maintenance case in M.C.No.9 of 2023 on the file of the Hon'ble Judicial Magistrate Court at Udumalpet, Thiruppur.

2. The learned counsel for the petitioner submitted that the marriage between the petitioner and the respondent took place on 18.01.2009 and they having two child. After marriage, the respondent had threatened the petitioner to apply for divorce. He further submitted that the petitioner has been tortured by the respondent and his family members. Thereafter, the respondent filed a petition for divorce in O.S.No.129 of 2022 on the file of the Hon'ble District Munsif Court, Kulithalai, on making false allegations against this petitioner and the respondent has not provide any maintenance to the petitioner. Further, the petitioner filed a maintenance case in M.C.No.9 of 2023 pending on the file of the Hon'ble Judicial Magistrate, Udumalpet, Thiruppur. He further submitted that the petitioner is living with her parents at Udumalpet and it is very difficult for the petitioner to attend the court hearings at Kulithalai and she was unable to



travel 320 kilometers along with her children. Hence, he prays to allow this petition.

3. The Court records show that the notice issued by this Court was served on the respondent. Hence, as the respondent is not coming before this Court either in person or through a counsel, in spite of the service of notice, this Court is of the view that the respondent has no objection for allowing the Tr.C.M.P. in favour of the petitioner.

4. Considering the facts and circumstances of the case and also the fact that the petitioner is living with her parents and she is unable to attend the Court hearings along with children. Therefore, the reasons stated by the petitioner and the same is justifiable. Accordingly, the present Tr.C.M.P. is allowed and the suit in O.S.No.129 of 2022 pending on the file of the Hon'ble District Munsif Court, Kulithalai, Karur District, is withdrawn and transferred to the file of the District Munsif Court, Udumalpet, Tiruppur. Consequently, connected miscellaneous petition is closed. No costs.



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5. The District Munsif Court, Udumalpet, Thiruppur, is directed to issue notice to the respondent/husband, within a period of two weeks from the date of receipt of a copy of this order and proceed with the case as per manner known to law.

05.10.2023

Speaking / Non Speaking order

Neutral Citation : Yes/No

Index : Yes/No

msrm

To

1.The District Munsif Court, Kulithalai, Karur District.

2.The District Munsif Court, Udumalpet, Thiruppur District.



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T.V.THAMILSELVI, J.

msrm

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