



*Tr.C.M.P.No.873 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2023

CORAM

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

**Tr.C.M.P.No.873 of 2022**

**and**

**C.M.P.No.15086 of 2022**

A.Shafrinnazz

.. Petitioner

Versus

A.Abdul Kareem

.. Respondent

PRAYER : This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw O.S.No.07 of 2021 pending before the learned Family Court, at Chengalpattu, Chengalpattu District and transfer the same to the Family Court, Villupuram.

For Petitioner : Mr.T.Balachandran

For Respondent : Mr.D.Padmanabhan

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## **ORDER**

**WEB COPY** This Transfer Civil Miscellaneous Petition has been filed to withdraw the suit in O.S.No.07 of 2021 on the file of the Family Court, at Chengalpattu, Chengalpattu District and transfer to the Family Court, Villupuram.

2. The case of the petitioner is that the marriage between the petitioner and the respondent took place on 19.12.2019 at Royal Marriage Hall, Thiyagadurugam, Kallakurichi District as per the Shariat are government by Muslim Personal Law. At the time of marriage, the respondent's family demanded dowry and when the same was delayed, the respondent and his family members threatened the petitioner. Further, the respondent used to harass the petitioner mentally and physically every day and used to ask the petitioner to get gifts from her father, after a couple of times when she denied to do the same the respondent along with his parents used filthy language against the petitioner and thereafter, the petitioner left out the matrimonial house. Subsequently, the respondent filed O.S.No.07 of 2021 for dissolution of marriage before the Family Court, Chengalpattu.



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**WEB COPY** 3. The learned counsel for the petitioner submitted that the petitioner is a lady and she living along with her parents in Thiyaaduram, Villupuram District, which is more than 183 kms from the Chengalpet Court. The bus journey takes around three hours from Thiyaaduram to Chengalpet and therefore, she cannot afford to do such long journey's all alone to and fro. He also submitted that the respondent only with an intention to harass the petitioner has filed the divorce petition in Chengalpet. Hence, the learned counsel for the petitioner prayed that the relief sought for in the Transfer Miscellaneous Petition may be granted.

4. The learned counsel for the respondent submitted that the at the time of marriage, there were lot of differences of opinion, quarrels and problems between the respondent and the petitioner. He further submitted that the petitioner did not even performed her household work, the defendant always used to talk with her mother through phone. The petitioner always blamed plaintiff's mother with unwanted thing, and also created a problem for silly things.



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5. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent and perused the materials available on record.

6. It is seen from the records that the petitioner and the respondent are the husband and wife and due to misunderstanding, they were living separately and the respondent has filed a divorce petition before the Family Court, Chengalpattu.

7. Considering the facts and circumstances, O.S.No.07 of 2021 pending on the file of the Family Court, Chengalpattu stands transferred to the Family Court, Villupuram forthwith. The Family Court, Chengalpattu is directed to transmit all the case papers to the Family Court, Villupuram within a period of four (4) weeks from the date of receipt of a copy of this order and thereafter, the trial Court is directed complete the trial in O.S.No.07 of 2021 as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.



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8. With the above observations, the Transfer Civil Miscellaneous Petition is allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

**02.08.2023**

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The Family Court, Chengalpattu.
2. The Family Court, Villupuram.



WEB COPY



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**V.BHAVANI SUBBAROYAN,J.**

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