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Tr.C.M.P.No.1272 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1272 of 2022

and

C.M.P.No.21474 of 2022

B.Mubintaj

... Petitioner

VS

Ismail

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the Suit in O.S.No.5 of 2022 pending on the file of learned Family Judge, Dharmapuri, Dharmapuri District to the learned Sub Court, Attur, Salem District.

For Petitioner : Ms.S.Priyadharshini

For Respondent : Mr.V.Bharathidasan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw O.S.No.5 of 2022 on the file of learned Family Judge, Dharmapuri,



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Dharmapuri District and transfer the same to the file of the Sub Court, Attur, Salem District.

2.The marriage between the petitioner and the respondent was solemnized on 23.06.2019 as per the Muslim Rites and Customs. One male child was born from and out of the wedlock between the petitioner and the respondent, who is now 2½ years old and is with the custody of the petitioner/wife. Due to misunderstanding, the petitioner and the respondent are living separately.

3.The learned counsel for the petitioner states that the petitioner/wife is unemployed and residing along with her parents, therefore, she is not in a position to spend, travel and contest the divorce case filed by the respondent/husband.

4.The learned counsel appearing for the respondent submitted that the case may be transferred to the file of Sub Court, Attur, Salem District, which would be convenient for both the parties.



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5.Considering the facts and circumstances, O.S.No.5 of 2022 on the file of the learned Family Judge, Dharmapuri, Dharmapuri District stands transferred to the file of the Sub Court, Attur, Salem District.

6.The learned Family Judge, Dharmapuri, Dharmapuri District is directed to transmit the case papers within a period of two weeks from the date of receipt of a copy of this order.

7.With these directions, this Transfer Civil Miscellaneous Petition stands allowed. Consequently, the connected miscellaneous petition is closed. There will be no order as to costs.

30.01.2023

Index : Yes

Speaking order

Neutral Citation Case:Yes

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To

1. The Family Judge, Dharmapuri, Dharmapuri District.
2. The Sub Court, Attur, Salem District.



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S.M.SUBRAMANIAM, J.

sp

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