



WEB COPY

Tr.C.M.P.No.1333 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1333 of 2022

and

C.M.P.No.22486 of 2022

Parveen

... Petitioner

Vs.

S.Abubakker Siddiq

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw O.S.No.77 of 2022 pending before Family Court at Tiruchirapalli and transfer the same to the Family Court at Chennai filed by the respondent for divorce.

For Petitioner : Mr.P.Chandrasekar

For Respondent : No Appearance



ORDER

The petition for transfer is filed to withdraw the O.S.No.77 of 2022 pending before the Family Court at Tiruchirapalli and transfer the same to the Family Court at Chennai.

2. The marriage between the petitioner and the respondent was solemnized on 25.02.2000 as per Muslim Rites and Customs. From and out of wedlock between the petitioner and the respondent two children were born. Due to misunderstanding the petitioner and the respondent are living separately. The respondent / husband filed O.S.No.77 of 2022 before the Family Court, Tiruchirappalli.

3. The learned counsel for the petitioner states that petitioner is residing along with her parents and she has to take care of her children and the petitioner being a working woman her parents are taking care of the children. Thus, she is not in a position to travel all along from Chennai and contest the case file by the respondent in the Family Court at Tiruchirappalli.

4. The place of residence of the wife is preferred in transferring a case.



In the present case, the petitioner and her children are residing at Chennai along with the petitioner's parents. Therefore, the transfer petition is to be considered.

5. Considering the facts and circumstances, the O.S.No.77 of 2022 on the file of the Family Court, Tiruchirappalli stands transferred to the Family Court, Chennai forthwith. The Family Court, Tiruchirappalli is directed to transmit all the case papers to the Family Court, Chennai, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the abovesaid directions, the Transfer Civil Miscellaneous Petition stands allowed. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

31.01.2023

Jeni
Index : Yes
Speaking order
Neutral Citation: Yes



To

1. The Judge,
Family Court,
Tiruchirappalli.

2. The Judge,
Family Court,
Chennai.

Tr.C.M.P.No.1333 of 2





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S.M.SUBRAMANIAM, J.

Jeni

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