

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD)No.112 of 2023

and

C.M.P.(MD)No.2516 of 2023

Femina, D/o.Abdul Kadhar

.. Petitioner

Versus

S.Syed Ibrahim

.. Respondent

Prayer :- Petition filed under Section 24 of C.P.C., to withdraw O.S.No.87 of 2022, pending on the file of the Principal District Munsif-cum-Judicial Magistrate, Thiruppathur and transfer the same to the file of the District Munsif Court, Pattukottai.

For Petitioner : Mr.B.Senthilkumar

For Respondent : Mr.B.Veerapandi

ORDER

The petitioner, who is 29 years old and unemployed, has filed this Transfer Civil Miscellaneous Petition to withdraw O.S.No.87 of 2022, from the file of the Principal District Munsif-cum-Judicial Magistrate Court, Thiruppathur and to transfer the same to the file of the District Munsif Court, Pattukottai.

2. It is submitted that the by the learned counsel for the petitioner that the petitioner has already filed M.C.No.15 of 2021, which is pending before the Judicial Magistrate Court, Pattukkottai and that three rounds of mediations have taken place. However, the same have not yielded any fruitful result. That apart, it is submitted that the petitioner is unemployed and is taking care of the minor child without any support from the respondent, despite M.C.No.15 of 2021 pending before the Judicial Magistrate Court, Pattukkottai. The petitioner has stated that her parents are aged persons and ailing by health problems and therefore, she prays for transfer of O.S.No.87 of 2022, from the file of the Principal District Munsif-cum-Judicial Magistrate Court, Thiruppathur, to the file of the District Munsif Court, Pattukottai.

3. The learned counsel for the respondent submitted that there is a possibility of reconciliation.

4. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondent.

5. Being satisfied with the reasons stated in the affidavit filed in support of the petition, I am inclined to allow this Transfer Civil Miscellaneous Petition, by directing transfer of O.S.No.87 of 2022, from the file of the Principal District Munsif-cum-Judicial Magistrate Court, Thiruppathur, to the file of the District Munsif Court, Pattukottai.

6. This Transfer Civil Miscellaneous Petition stands allowed in terms of the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
smn2

03.04.2023

To

1.The Principal Distirct Munsif-cum-Judicial Magistrate,
Thiruppathur.

2.The District Munsif,
Pattukottai.

Tr.C.M.P.(MD)No.112 of 2023

C.SARAVANAN, J.

smn2

Order made in
Tr.C.M.P.(MD)No.112 of 2023

03.04.2023