



TR.C.M.P.(MD) No.204 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2023

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

TR.C.M.P.(MD) No.204 of 2023

and

C.M.P.(MD) No.4370 of 2023

M.Ragmathunisha

... Petitioner

Vs.

M.Shajahan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw O.S.No.301 of 2022 on the file of the District Munsif Court, Ambattur and transfer the same to the Family Court, Trichy.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.M.Thirunavukkarasu

ORDER

This Transfer Civil Miscellaneous Petition has been filed to transfer O.S.No.301 of 2022 from the District Munsif Court, Ambattur to the Family Court, Trichy.



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2. The petitioner was earlier residing in Chennai and is said to have relocated to Big Bazaar Street, Tiruchirappalli. The respondent has initiated proceedings before the District Munsif Court, Ambattur, Chennai to dissolve the marriage solemnized between the petitioner and the respondent on 18.06.2000.

3. In the affidavit filed in support of the present Transfer Civil Miscellaneous Petition, the petitioner has given the reasons for asking transfer of O.S.No.301 of 2022 from the District Munsif Court, Ambattur to the Family Court, Trichy. Paragraph Nos.5 & 6 of the affidavit read as under:-

5. I submit that in the said circumstances the respondent/plaintiff in a hurry filed a suit for divorce as if he has pronounced Talaq. The above allegations in the case in O.S.No.301 of 2022 were all not sustainable either in law and facts. Accordingly I have showed my appearance before the Court and filed vakalath on 05.01.2023. In the said circumstances my appearance before the District Munsif Court at Ambattur for every hearing will give more hardship to me and children. Further I have to take care of my children. Further I have to travel for nearly 325 k.m. From Trichy to Ambattur, Chennai and in return 325 K.M. from Ambattur, Chennai to Trichy for every hearing.



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Further I have to spend for bus, food and other needs. So I hardly need Rs.5,000/- per hearing. The respondent did not give any maintenance to me and my children till now. I was put to great sufferings and troubles. Further I am also having threat from my husband and his family. So it is not safe to me to appear in Ambattur, Chennai. Further I am always read and willing to live with my husband i.e., the respondent.

6. I submit that further now I have no job. I have also no income. I expecting help from my family members for my livelihood and struggling very much for out day to day needs. I have no words to express my pain, sufferings and mental agonies without any resources. So I have to be save from the clutches of the financial crisis. Now I am residing in the Trichirappalli, my family members alone giving care and custody to me. In the said circumstances my appearance before the District Munsif Court at Ambattur is leads to great hardship and sufferings and expensive. So I may be permit to conduct the case at Honourable District Munsif Court at Ambattur. Further now the respondent is working in Qatar, he can very well come to Trichy from there. Attending at Ambattur Court for him is very difficult. Further I am also taking steps to file a petition for Restitution of Conjugal Rights and for Maintenance before the Family Court, Trichy. So it is fair to conduct all the cases together before the Family Court, Trichy. In the said circumstances in the interest of justice it is just and necessary to transfer the above O.S.No. 301 of 2022 on the file of the Honourable District Munsif Court at Ambattur. Otherwise I will be put into irreparable loss and injury. Hence this Transfer Petition.



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WEB COPY 4. On the other hand, the learned counsel for the respondent submits that the children are staying in Chennai and therefore, there is no reason to transfer the O.S.No.301 of 2022 from the District Munsif Court, Ambattur to the Family Court, Trichy.

5. The learned counsel for the respondent further submits that in case this Court is inclined to order the transfer of O.S.No.301 of 2022 Ambattur, Chennai to Trichy, the case may be transferred to the Principal District Munsif Court, Trichy instead of Family Court, Trichy.

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

7. The petitioner appears to be destitute and has been deserted by the respondent. The respondent admittedly is not residing in India and is working in Qatar. Therefore, no prejudice will be caused to the respondent whether the case is conducted in Ambattur, Chennai or in Trichy.



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8. Being satisfied with the reasons given in the affidavit and submission made by the learned counsel for the petitioner, and considering the request of the learned counsel for the respondent, I am inclined to dispose of this Transfer Civil Miscellaneous Petition by ordering the transfer of O.S.No.301 of 2022 from the District Munsif Court, Ambattur, Chennai to the Principal District Munsif Court, Trichy.

9. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of with the above direction. No cost. Consequently, connected Miscellaneous Petition is closed.

15.06.2023

NCC : Yes / No
Internet: Yes/No
Index: Yes/ No
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To

- 1.The District Munsif Court, Ambattur.
- 2.The Principal District Munsif Court, Trichy.



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C.SARAVANAN, J.

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