



Tr.C.M.P(MD)No.405 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **22.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.405 of 2022

and

C.M.P(MD)No.6627 of 2023

Vahidha Begum

...Petitioner/Respondent

Vs.

A.Mohammed Jiyavudeen

...Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the case O.S.No.03 of 2022 on the file of the Family Court, Dindigul and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.K.R.Manimaran

For Respondent : No Appearance

ORDER

The present transfer civil miscellaneous petition has been filed to transfer O.S.No.3 of 2022 on the file of the Family Court, Dindigul to the file of the Family Court, Chennai.



Tr.C.M.P(MD)No.405 of 2022

2. Though the Court notice has remained unserved and returned with an endorsement unclaimed and private notice has been served, there is no appearance either in person or through counsel. The name of the respondent is also printed in the cause list.

3. The petitioner in her affidavit filed in support of the petition stated as follows:

" 5.I humbly submit that my father was passed away in the year 2015. Now I am living separately with meager income. I am not able to attend the Court at Dindigul without help of others. The distance between Chennai to Dindigul is more than 450 kilometers. I have to travel more than 10 hours to reach Dindigul Court from Chennai. Moreover I am not supposed to spent travel expenses to attend the Court since I am a poor lady. None can accompany with me for each hearing to attend the Court. Moreover the respondent is having muscle power and much undue influence in that locality. Hence there is no safety to me. Hence in those circumstances the up and down travelling expenses from Chennai to Dindigul will be causing heavy burden to me. I am not receiving any maintenance from the respondent and already I am put to financial strain and mental agony.

6.I humbly submit that if the O.S.No.03 of 2022 on the file of the Family Court, Dindigul may be transferred to Family Court, Chennai, No hardship will be caused to the respondent. If the O.S.No.03 of 2022 on the file of the Family Court, Chennai, it will be more helpful and convenient to attend the case and no prejudice would be caused to the respondent.

7. I humbly submit that the O.S.No.03 of 2022 on the file of the Family Court, Dindigul is in initial stage of the case is



Tr.C.M.P(MD)No.405 of 2022

posted for my appearance on 27.07.2022. Hence an order of stay may be granted. If stay is not granted I will be put to irreparable loss and hardship."

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4. Being satisfied with the reasons given in the affidavit filed in support of the petition, I am inclined to allow the present Transfer Civil Miscellaneous Petition. Thus, the present Transfer Civil Miscellaneous Petition stands allowed by transferring O.S.No.3 of 2022 on the file of the Family Court, Dindigul to the file of the Family Court, Chennai. No costs. Consequently, connected miscellaneous petition is closed.

22.06.2023

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

1.The Family Court,
Dindigul.

2.TheFamily Court,
Chennai.

3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD)No.405 of 2022

C.SARAVANAN ,J.

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Tr.C.M.P(MD)No.405 of 2022

22.06.2023