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Tr.C.M.P.(MD)No.408 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD)No.408 of 2022

and

C.M.P.(MD)No.6642 of 2022

Shaher Ban, W/o.Nishad Ahamed

.. Petitioner

Versus

Nishath Ahamed, S/o.Rabiyudhin

.. Respondent

Prayer :- Petition filed under Section 24 of C.P.C., to withdraw O.S.No.24 of 2021 from the file of the Family Court, Pudukottai and to transfer the same to the file of the Subordinate Court, Aranthangi.

For Petitioner : Mr.S.Balakarthick

For Respondent : Mr.L.Jeen Felix

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in O.S.No.24 of 2021, pending on the file of the Family Court, Pudukottai and to transfer the same to the file of the Subordinate Court, Aranthangi.

2. It is the submission of the learned counsel for the petitioner that the petitioner is residing in Aranthangi Taluk at Pudukottai District. It is submitted that



she is not having means to meet out her day-to-day expenses and she is also looking after her mother.

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3. The learned counsel for the respondent, on the other hand, would submit that the distance between the Family Court at Pudukottai and the Sub-Court at Aranthangi, is only 20 Kilometers and therefore, no prejudice would be caused to the petitioner, if she is directed to appear before the Family Court at Pudukottai.

4. Having considered the submission of the learned counsel for the petitioner and the learned counsel for the respondent, I am of the view that the petitioner has made out a *prima facie* case for transfer. Accordingly, there shall be an order of transfer of O.S.No.24 of 2021, pending on the file of the Family Court, Pudukottai, to the file of the Sub-Court, Aranthangi. The learned Sub-Judge, Aranthangi, shall take steps to dispose of the above said suit filed by the respondent for dissolution of marriage, as expeditiously as possible, preferably, within a period of 12 months from the date of receipt of a copy of this order.

5. This Transfer Civil Miscellaneous Petition stands allowed with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No

21.03.2023



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To

1.The Judge,
Family Court,
Pudukottai.

2.The Subordinate Judge,
Aranthangi.



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C.SARAVANAN, J.

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Order made in
Tr.C.M.P.(MD)No.408 of 2022

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