



TR.C.M.P(MD).No.740 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.740 of 2022
and C.M.P(MD).No.11775 of 2022

Izzathul Rasviya

... Petitioner

versus

Noor Mohammed

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw O.S.No.8 of 2022 on the file of the Family Court, Dindigul and transfer the same to the Family Court, Trichy.

For Petitioner : Mr.A.Banumathy

For Respondent : Mr.Y.Prakash

ORDER

This Civil Revision Petition is filed by the petitioner to withdraw the suit in O.S.No.8 of 2022, which is pending on the file of the Family Court, Dindigul and transfer the same to the Family Court, Trichy.



TR.C.M.P(MD).No.740 of 2022

WEB COPY

2. The learned counsel appearing for the petitioner submits that the petitioner is the wife and the respondent is the husband and their marriage was solemnized on 07.11.2021 as per Islam rites and customs. Due to some misunderstanding, both are now living separately. Thereafter, the respondent/husband has filed a suit in O.S.No.8 of 2022 before the Family Court, Dindigul, for dissolution of marriage. Since the petitioner is a resident of Tiruchirappalli, she finds it very difficult to travel from Trichy to Dindigul. He further submits that the respondent's father is a practising advocate at Dindigul and she also faced certain difficulties, when she appeared before the Family Court, Dindigul. He further submits that the respondent is also an influential person and there is a threat to her life, if the case is conducted at Family Court, Dindigul. Therefore, she seeks for transfer of O.S.No.8 of 2022 from the file of the Family Court, Dindigul, to the Family Court, Trichy.

3. The learned counsel for the respondent, denying the



TR.C.M.P(MD).No.740 of 2022

allegations made by the petitioner as against the respondent and his father, submits that no such incident had taken place. He also requests this Court to refer the matter for mediation that there is a scope for mediation.

4. The Hon'ble Apex Court in the case of ***Amitha Shah vs- Virendar Lal Shah***, reported ***(2003)10 SCC 609*** has held that *the convenience of the wife and more so of the child must be taken into account while deciding the petition for transfer* and in the case of Rajani ***Kishor Paradeshi Vs Kishor Babulal Paradeshi*** reported in ***(2005) 12 SCC 237***, the Hon'ble Apex Court has held that in such type of transfer petitions, the convenience of the wife is to be preferred over the convenience of the husband.

5. This Court being satisfied with the reasons stated in the affidavit filed in support of this petition and also taking into consideration that the convenience of wife is to be taken into



TR.C.M.P(MD).No.740 of 2022

consideration at the time of considering transfer petitions as held by the Hon'ble Supreme Court in the judgments cited supra, is inclined to allow the present petition.

6. In the light of the above, the Transfer Civil Miscellaneous Petition stands allowed. The proceedings in O.S.No.8 of 2022 pending on the file of the Family Court, Dindigul, is withdrawn and transferred to the file of the Family Court, Trichy. The Family Court, Dindigul, is directed to transmit the entire case records to the Family Court, Trichy forthwith. The learned Judge, Family Court, Trichy, shall find out the possibility of settlement through mediation. No costs. Consequently, connected miscellaneous petition is closed.

11.01.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



TR.C.M.P(MD).No.740 of 2022

To

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1. The Family Court,
Dindigul.
2. The Family Court,
Trichy.
3. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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TR.C.M.P(MD).No.740 of 2022

B.PUGALENDHI, J.

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TR.C.M.P(MD).No.740 of 2022

11.01.2023