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TR.CMP.No.106 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

TR.CMP.No.106 of 2024
and CMP.No.2362 of 2024

Tasleem Marsiya

... Petitioner

Vs

Mohamed Yasar

... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of CPC praying to withdraw and transfer O.S.No.221 of 2023 on the file of District Munsiff Court, Aranthangi to the Family Court, Namakkal for joint trial with O.S.No.3 of 2023.

For Petitioner : Ms.A.Parveen

For Respondent : Mr.P.G.Thiyagu

ORDER

The petitioner-wife has presented this petition to withdraw the suit filed by the respondent-husband in O.S.No.221 of 2023 before the District



TR.CMP.No.106 of 2024

Munsif Court, Aranthangi and to transfer it to Family Court, Namakkal, to be tried jointly with O.S.No.3 of 2023 filed by her before the Family Court, Namakkal.

2. The petitioner-wife is a permanent resident of Namakkal. The respondent-husband is a resident of Aranthangi in Pudukkottai. The petitioner and the respondent got married on 10.03.2019 at Pudukkottai. Out of their wedlock, she gave birth to a girl child on 30.11.2019. Thereafter, their matrimonial life ran into rough weather and the respondent-husband gave talaqs on three occasions i.e, on 30.06.2023, 10.08.2023 and 29.09.2023. According to the petitioner-wife, the pronouncement of talaqs is not maintainable as per the procedure and rules of Islamic Law. Hence, she challenged the same in O.S.No.3 of 2023 on the file of Family Court, Namakkal. As a counterblast, the respondent-husband filed a suit in O.S.No.221 of 2023 on the file of District Munsif Court, Aranthangi against the petitioner. Now, the present revision is filed for joint trial of both these suits before the Family Court, Namakkal.



TR.CMP.No.106 of 2024

3. Heard Ms.A.Parveen, learned counsel for the revision petitioner and Mr.P.G.Thiyagu for the respondent.

4. Since in both the proceedings in O.S.No.3/2023 and O.S.No.221 of 2023 the same issues are being adjudicated, in the interest of justice, both the suits are required to be tried by the same learned Judge.

5. Taking into consideration the fact that the wife is the permanent resident of Namakkal and has a girl child of 3^{1/2} years to attend, and also the fact that she pleads her inability to travel to Aranthangi from Namakkal, which are about 370 kms., apart for every hearing, this Court is inclined to allow this petition.

6. Consequently, O.S.No.221 of 2023 pending on the file of District Munsif Court, Aranthangi, is now withdrawn from its file and is transferred to the file of Family Court, Namakkal, to be tried along with O.S.No.3/2023 on the file of Family Court at Namakkal. The presence of respondent-husband need not be insisted upon by the Family Court, Namakkal for every hearing. His presence is sufficient only on essential hearings, and on all



TR.CMP.No.106 of 2024

other non-essential or procedural hearings, he may be represented through his
counsel.

7. With the aforesaid directions, this transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

23.04.2024

Index:Yes/No

Internet:Yes/No

Speaking order/Non-speaking order
ds

To:

1.The Judge
Family Court
Namakkal.

2.The Principal District Munsif
Aranthangi.

3.The Section Officer
VR Section, High Court, Madras.



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TR.CMP.No.106 of 2024

V.LAKSHMINARAYANAN,J.

ds

TR.CMP.No.106 of 2024

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