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Tr.CMP.No.132 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.132 of 2023

and

C.M.P.No.2860 of 2023

Munira

.. Petitioner

Vs.

Mahaboob Basha

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.S.No.5 of 2022 on the file of the Family Court at Salem, Salem District and transfer the same to the file of the Family Court at Krishnagiri, Krishnagiri District.

For Petitioner : Mr.PA.Sudesh Kumar

For Respondent : Mr.Mohamed Ismail

ORDER

The wife is the petitioner before me. She married the respondent as per Muslim Shariath Law on 21.07.2019 at Krishnagiri. From the wedlock, a child was born on 01.08.2020.



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2. Thereafter, disputes and differences arose between the parties, and the matter could not be settled despite the interference of the Jamadars. Hence, the respondent/husband filed a suit for restitution of conjugal rights before the Family Court at Salem in O.S.No.5 of 2022.

3. The petitioner/wife pleads that as she is unable to travel from Krishnagiri to Salem and she is not in a position to carry the child along with her for every hearing in the suit, she has moved this application to transfer the proceeding from the file of the Family Court at Salem to the file of the Family Court at Krishnagiri.

4. Notice was ordered in this transfer petition on 14.02.2023 and Mr.A.Mohamed Ismail has entered appearance on behalf of the respondent.

5. Heard Mr.PA.Sudesh Kumar, appearing on behalf of the petitioner and Mr.A.Mohamed Ismail, appearing on behalf of the respondent.



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6. The aforesaid facts would go to show that the wife is tending to a girl child who is aged about four years. As the wife is the permanent resident of Krishnagiri Town, she certainly finds it difficult to travel from Krishnagiri to Salem along with the child.

7. Taking into consideration the interest of the wife, I am inclined to allow this transfer petition. Hence, the proceeding in O.S.No.5 of 2022 pending on the file of the Family Court at Salem is withdrawn and it shall stand transferred to the file of the Family Court at Krishnagiri.

8. The learned Family Judge at Krishnagiri is requested not to insist on the presence of the husband for every hearing, but he shall be directed to be present only for such hearings where his presence is indispensable. On the other hearings, he may be represented through a counsel.



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9. Accordingly, the Transfer Civil Miscellaneous Petition stands

allowed. No costs. The connected Civil Miscellaneous Petition is closed.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation: Yes/No

V. LAKSHMINARAYANAN, J.



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To

- 1.The learned Family Judge,
Salem
- 2.The learned Family Judge,
Krishnagiri

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