



Tr. C.M.P.No.227 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2024

CORAM

THE HON'BLE MR.JUSTICE **V.LAKSHMINARAYANAN**

Tr. C.M.P.No.227 of 2024

and

C.M.P.No.4441 of 2024

J.JAMEEMA

... Petitioner

versus

S.Hameed Shamsudeen

... Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw O.S.No.336 of 2023 pending on the file of the V Additional Family Court, Chennai and to transfer the same to the file of the Family Court, Ramanathapuram.

For Petitioner : Mr.R.Ranganathan

For Respondent : Mr.J.Abdul Hadi



Tr. C.M.P.No.227 of 2024

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ORDER

The petitioner is the wife. She married the respondent on 21.04.2013. From the wedlock, there are two children. The son aged about 8 years and the daughter aged about 5 years. Due to the disputes and differences the parties are separated.

2. The husband has initiated O.S.No.336 of 2023 on the file of the V Additional Family Court at Chennai seeking for restitution of conjugal rights. The wife, who is a permanent resident of Ramanathapuram District pleads that, she is not able to travel from Ramanathapuram to Chennai to attend the hearings. Hence, the transfer application.

3. Notice was ordered in the transfer application and Mr.J.Abdul Hadi, learned counsel has entered appearance for the respondent.



Tr. C.M.P.No.227 of 2024

WEB COPY

4. Mr. Abdul Hadi, learned counsel pleads that, the husband is auditory processing disorder and therefore, it will be difficult for him to travel from Chennai to Ramanathapuram. He states that the wife is able bodied and therefore, she can travel from Ramanathapuram to Chennai. Hence he pleads for dismissal of the transfer application.

5. I have carefully considered the submissions of both sides.

6. The wife is taking care of an infant, who is aged about 5 years. It will be difficult for a women to travel from Ramanathapuram to Chennai along with the child. The disorder that the respondent is suffering from, i.e., auditory and not of movement.

7. Taking into consideration the convenience of the wife, O.S.No.336 of 2023 is withdrawn from the file of the V Additional Family Court, Chennai and is transferred to the file of the Family Court, Ramanathapuram.



Tr. C.M.P.No.227 of 2024

The husband need not appear for every hearing. He can present himself for essential hearings. During the time of evidence, the learned Judge will follow the requirements of Section 119 of the Indian Evidence Act and record evidence.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, the connected miscellaneous petition is closed.

06.11.2024

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Index : Yes/No

Speaking Order/Non speaking order

Neutral Citation Case : Yes/No

To

1.The V Additional Family Court, Chennai.

2.The Family Court Judge, Ramanathapuram.



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Tr. C.M.P.No.227 of 2024

V.LAKSHMINARAYANAN, J.

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Tr.C.M.P.No.227 of 2024

06.11.2024