



Tr.C.M.P.No.242 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.242 of 2024

and

C.M.P.No.4913 of 2024

B.Shameem Parveen

... Petitioner

Vs.

A.M.Jamsheed

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the case in O.S.No.19 of 2023 on the file of the Family Court, Chengalpattu and transfer the same to the Family Court, Villupuram, Villupuram District.

For Petitioner : Mr.S.Raja Ravivarma

For Respondent : No appearance



Tr.C.M.P.No.242 of 2024

ORDER

The petitioner filed this transfer petition seeking transfer of O.S.No.19 of 2023 filed by her estranged husband/respondent from the file of the Family Court, Chengalpattu to the file of the Family Court, Villupuram.

2.Despite service of notice and name printed in the cause list, no representation for the respondent either in person or by any counsel.

3.The contention of the learned counsel for the petitioner is that marriage between the petitioner and the respondent was solemnized on 17.06.2021 as per the Muslim rites and customs. During the marriage, customary sridhana articles were presented. After marriage, both the petitioner and the respondent were living in Guduvanchery, at that time, the petitioner came to know that the respondent was in the habit of consuming alcohol which was objected. The respondent was also harassing the petitioner. Further on 10.11.2022, the petitioner went to the matrimonial home along with her new born girl child but the respondent and his family members refused to take her back since they were in the hope that they will



Tr.C.M.P.No.242 of 2024

be blessed with a boy baby. Thereafter, the respondent and his family members demanded more dowry to the petitioner. On 27.04.2023, the petitioner's father left the petitioner and the child in the matrimonial home, but thereafter the respondent not bothered about the petitioner and the well being of the child. The petitioner lodged a complaint with the President of the Guduvanchery Mosque on 01.07.2023, the respondent was asked to take back the petitioner and the child, though in the mosque the respondent accepted and took the petitioner and the child, but he thrown away the petitioner and the child in front of her parental home. Left with no other option, the petitioner preferred a complaint under Domestic Violence Act and the same is pending in D.V.C.No.25 of 2023 before the learned Judicial Magistrate, Additional Mahila Court, Villupuram. On receipt of summons, as a counter blast the respondent filed a petition for divorce in O.S.No.19 of 2023 before the Family Court, Chengalpattu. He would submit that the petitioner is residing in Villupuram and she has to travel 110 kms along with the child to attend the hearing in Court at Chengalpattu which is nothing but a harassment. Hence, prays for transfer.

4.Considering the submissions made and on perusal of the materials, it



Tr.C.M.P.No.242 of 2024

is seen that the petitioner herein who is a single lady residing at Villupuram, she has to necessarily travel around 110 kms along with the minor child to attend the hearing before the Family Court, Chengalpattu. In view of the same, this Court withdraws O.S.No.19 of 2023 from the file of the Family Court, Chengalpattu and transfer the same to the file of the Family Court, Villupuram. On receipt of entire case bundle, the Family Court, Villupuram is directed to complete the proceedings in O.S.No.19 of 2023 and dispose of the same, within a period of four months thereafter.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, connected Civil Miscellaneous Petition is closed.

31.07.2024

Speaking Order/Non Speaking Order
Index : Yes/No

cse



Tr.C.M.P.No.242 of 2024

WEB COPY

To

1.The Family Court,
Chengalpattu.

2.The Family Court,
Villupuram.



WEB COPY



Tr.C.M.P.No.242 of 2024

M.NIRMAL KUMAR, J.

cse

Tr.C.M.P.No.242 of 2024

31.07.2024