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Tr.CMP No.258 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

TR.CMP No.258 of 2024
and CMP No.5480 of 2024

A.Shaganaz Banu

.... Petitioner

-Vs-

B.Frosh Ahamed

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw O.S.No.162 of 2023 on the file of the Principal District Munsif Court, Kumbakonam and transfer the same to the Family Court, Villupuram or any other Court in Villupuram.

For Petitioner : Mr.V.S.Sivasundaram

For Respondent : Mr.I.Periasamy

ORDER

Petitioner is the wife. She married the respondent as per Islamic rites and customs on 03.07.2022. Thereafter, due to differences the parties separated. Taking into consideration that the matrimonial home was set up at Kumbakonam, the respondent has filed a suit in O.S.No.162 of 2023 on the file of the Principal District Judge, Kumbakonam seeking for a declaration that the marriage stood dissolved. Pleading that she is residing with her father at Kumbakonam and that she is a



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pardanashin woman, she claimed that she is not in a position to travel from Villupuram to Kumbakonam. Hence this transfer petition.

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2. Heard Mr.V.S.Sivasundaram for the petitioner and Mr.I.Periyasamy for the respondent.

3. A perusal of the plaint shows that the summons have been served on the petitioner at Villupuram. In para 4 of the affidavit she pleads that she is a pardanashin woman and cannot travel without the assistance of her father. The distance between Villupuram and Kumbakonam being 150 Kms and the petitioner being a Muslim woman aged about 24, I have to take into consideration her convenience.

4. Accordingly, though the petitioner has sought for transfer of the suit to the file of the Family Court, I have to consider the inconvenience that will be caused to the husband also while ordering the transfer petition. If the matter is proceeded before the Family Court, the husband's vocation would be adversely affected and he will have to travel from Kumbakonam to Villupuram for attending the hearings before the Family Court. In case the matter is transferred to the District Munsif Court at Villupuram, then it would not affect the interest of either parties. Both the parties can always engage a lawyer to contest the proceedings before the District Munsif Court.



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5. Therefore, while accepting the transfer, the prayer sought for by the petitioner is not acceded to in full. O.S.No.162 of 2023 pending on the file of the Principal District Munsif, Kumbakonam is withdrawn and transferred to the file of the Principal District Munsif at Villupuram. The Transfer Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

13.09.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

1.The Principal District Munsif, Kumbakonam.

2.The Principal District Munsif, Villupuram.



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V. LAKSHMINARAYANAN, J.

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