



Tr.CMP.No.424 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.424 of 2023

and

C.M.P.No.9486 of 2023

K.A.Ibrahim Sheriff

.. Petitioner

Vs.

M.K.Nisha Rahamath Parveen

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw O.S.No.31 of 2022 on the file of the Family Court at Tirunelveli and transfer the same to the file of the District Munsif-cum-Judicial Magistrate Court at Arcot to try along with O.S.No.21 of 2023.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Served, No Appearance

ORDER

The petitioner before me is the husband. The marriage of the petitioner and the respondent took place on 31.12.1995. From the wedlock, two children were born, a boy and a girl.

2. The girl child was married on 26.06.2022. Thereafter, the petitioner



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claims to have pronounced Triple Talaq on 13.09.2022, 20.10.2022 and on 14.11.2022. Challenging the Triple Talaq, the respondent herein has filed a suit in O.S.No.31 of 2022. The said suit has been filed before the Family Court at Tirunelveli. Subsequently, the husband has initiated the proceedings in O.S.No.21 of 2023, which is now pending on the file of the District Munsif-cum-Judicial Magistrate Court at Arcot, for the relief that the respondent must not claim to be the legally wedded wife of the petitioner.

3. Since the issue of pronouncement of Triple Talaq is the subject matter in both the suits and in order to avoid the conflict of judgments, it is better that both the suits be clubbed together and be heard by the same Court.

4. Hence, the suit in O.S.No.31 of 2022 which is now pending on the file of the Family Court at Tirunelveli and the suit in O.S.No.21 of 2023 which is now pending on the file of the District Munsif-cum-Judicial Magistrate Court at Arcot are withdrawn and they shall stand transferred to the file of the Family Court at Vellore. The learned Family Judge shall take up both the suits together and dispose of the same by way of a common



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judgment.

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5. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

To

1.The Family Court,
Tirunelveli

2.The District Munsif-cum-Judicial Magistrate Court,
Arcot

3.The Family Court,
Vellore

V. LAKSHMINARAYANAN, J.



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