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Tr.C.M.P.No.643 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P. No.643 of 2024

and

C.M.P.No.13768 of 2024

Rasheeda Madani

..... Petitioner

-Versus-

Mohammed Amanulla Madani

..... Respondent

Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw the suit in O.S.No.48 of 2024, which is filed seeking a decree of divorce based on the “*Khula agreement*” dated 12.06.2021, from the file of the learned District Munsif, Udumalpet, Tiruppur District and transfer the same to the file of the District Munsif, Ambattur, Tiruvallur District or any of the Family Courts at Chennai.

For Petitioner : *Mr.S.Mugesh*

For Respondent : *Mr.D.R.Arun Kumar*



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ORDER

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This Transfer Miscellaneous Petition seeks transfer of the suit in O.S.No.48 of 2024 pending on the file of the learned District Munsif, Udumalpet, Tiruppur District, to the file of the District Munsif, Ambattur, Tiruvallur District or to any one of the Family Court at Chennai.

2. The petitioner married the respondent as per the Muslim Rites and Customs on 01.09.2007. From the wedlock, a male child was born on 27.11.2008. The child is said to be studying at XI Standard in Velammal Vidyashram at Paruthipattu in Chennai. The respondent/husband is said to be working as a Branch Manager at Bank of India in Chennai. The respondent/husband pleads that he entered into “*khula agreement*” on 12.06.2024. This factum is disputed by the wife. Therefore, the respondent/husband presented a suit in O.S.No.48 of 2024 seeking for a declaration that the marriage dated 01.09.2007 stood dissolved by virtue of “*khula agreement*” dated 12.06.2021.

3. The petitioner/wife pleads that she is residing in Chennai and finds it difficult to travel to Udumalpet in Tiruppur District to contest the proceedings. Hence, the transfer petition.



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4. Notice was ordered in the petition on 16.07.2024 and the respondent has been served. Mr.D.R.Arun Kumar represents the respondent.

5. Heard Mr.S.Mugesh for the petitioner and Mr.D.R.Arun Kumar for the respondent.

6. It is not in dispute that the petitioner is a resident of Chennai, and the respondent is currently residing in Chennai.

7. Mr.D.R.Arun Kumar would contend that the witnesses for the “*khula agreement*” are residents of Udumalpet in Tiruppur District.

8. Per contra, Mr.S.Mugesh would point out that all the witnesses are close relatives of the respondent and they can always be summoned to the Munsif Court in order to tender evidence before the court.

9. I have to take note that the son is now studying in XI Standard. He is at the stage of education which is crucial for the manner in which his future course of life would travel. The petitioner/wife being resident of Chennai and the respondent/husband is currently working in Chennai, no prejudice would be caused to the respondent/husband, if the suit is transferred to the Court in Chennai. Therefore, I am inclined to accept the transfer petition.



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In the result, the suit in O.S.No.48 of 2024 pending on the file of the District Munsif, Udumalpet, Tiruppur District, is withdrawn and transferred to the file of the District Munsif, Ambattur. The District Munsif at Ambattur, shall take into consideration that the witnesses are senior citizens and shall ensure that unnecessary adjournments are not granted for the cross examination of the said witnesses when they are present for the said purposes at Ambattur.

With the above directions, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected CMP is closed.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

20..09..2024

To

- 1.The District Munsif, Udumalpet, Tiruppur District.
- 2.The District Munsif, Ambattur, Tiruvallur District.



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V.LAKSHMINARAYANAN.J.,
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