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Tr.C.M.P.No.836 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.836 of 2023
and C.M.P.No.20205 of 2023

M.Mobeena

... Petitioner

Vs.

M.Mohammed Safiyullah

... Respondent

PRAYER: The Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the case in O.S.No.2 of 2023 on the file of the Family Court, Pudukkottai and transfer the same to the file of the III Additional Family Court at Chennai, to be tried along with M.C.No.132 of 2023.

For the Petitioner : Mr.R.Praburam

For the Respondent : Notice refused – No appearance

ORDER

This petition has been filed to withdraw the case in O.S.No.2 of 2023 on the file of the Family Court, Pudukkottai and transfer the same to the file of III Additional Family Court at Chennai, to be tried along with



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M.C.No.132 of 2023.

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2. The petitioner and the respondent got married on 02.11.2017 at Sapptharpettai, Vellore District. From the wedlock a female child was born on 27.12.2018 and a male child was born on 12.08.2022. Due to disputes and differences, the husband has initiated proceedings before the Family Court, Pudukkottai, in O.S.No.2 of 2023. As the petitioner is not able to maintain herself and the kids, she has initiated proceedings for maintenance in M.C.No.132 of 2023 on the file of the III Additional Family Court at Chennai. She pleads that she is unable to travel to Pudukkottai from Chennai, to attend the court proceedings.

3. Notice was ordered in this petition to the respondent and the respondent refused to receive the same. Hence, it is treated as sufficient opportunity has been given to the respondent and the matter is heard on merits.

4. There is no dispute that the wife is residing at Chennai and she is taking care of the two children, who are aged 5 and 2 years respectively. She



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pleads that she could not travel from Chennai to Pudukkottai for every hearing.

5. Considering the convenience of the wife as well as taking into consideration the age of the children, the proceedings in O.S.No.2 of 2023 on the file of the Family Court, Pudukkottai, is withdrawn and transferred to the file of the III Additional Family Court at Chennai, to be tried and disposed of along with M.C.No.132 of 2023.

6. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

15.07.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking order / Non-speaking order

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To
1.The Judge,
Family Court, Pudukkottai.

2.The Judge
III Additional Family Court, Chennai.



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V.LAKSHMINARAYANAN, J.

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