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Tr.C.M.P.No. 918 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2024

CORAM

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No. 918 of 2024

&

C.M.P.No. 20058 of 2024

Angoor Parvees

...Petitioner

Vs.

Anisha

...Respondent

Prayer: Petition is filed under Section 24 of the Code of Civil Procedure to withdraw and transfer O.S.No.50 of 2024 pending on the file of the Family Court, Coimbatore to Family Court, Salem.

For Petitioner : Mr. K.A.Mariappan



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ORDER

The petitioner is the husband and the respondent is the wife.

2. The petitioner married the respondent on 29.06.2011 at Poothanur, Coimbatore. The parties are Muslims. From the wedlock, a child was born in the year 2012. The child is aged about 12 years. Due to disputes, the parties have separated. The parties had already approached the Court in O.S.No.116 of 2017 on the file of the District Munsif, Uthamapalayam and in O.S.No.54 of 2017 on the file of the Family Court, Coimbatore and rejoined. Yet again, they have separated constraining the wife to approach the Family Court, Coimbatore, initiating O.S.No.50 of 2024. In the said proceedings, she has sought for a declaration that the marriage that took place on 29.06.2011 as nullity and for the return of the jewels which are in the custody of the husband.



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3. The husband states that since the sister of his wife is an IPS officer in Kerala cadre, his life is in danger.

4. I have considered the arguments and gone through the records. The parties have already been litigating before the Family Court, Coimbatore. The husband is a resident of Kumbum, Theni. Infact, Theni is closer to Kerala than Coimbatore. If he has to fear for his wife's sister, he should not reside at Theni.

5. In the matters of transfer, it is the convenience of the wife which takes precedence over the hardship of the husband. The wife finds it convenient to attend hearings at Coimbatore and she has a 12 year old child to take care of. Furthermore, the fact that the sister of the respondent is an IPS officer in Kerala does not mean that she would have any influence over the Courts at Coimbatore.



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6. I do not find any reason to transfer the proceedings. I am not inclined to issue notice to the wife. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

11.09.2024

Index : Yes/No
Internet : Yes/No
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To

1.The Family Court,
Coimbatore.

2.The Family Court,
Salem.



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V.LAKSHMINARAYANAN, J.

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