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Tr.CMP.No.1168 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.CMP No.1168 of 2023

and

CMP.No.27920 of 2023

S.Nilofer Nisha

... Petitioner

-Versus-

N.Sirajudeen

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. seeking to withdraw the case in O.S.No.182 of 2023 pending on the file of the District Munsif of Melur, Madurai District and to transfer the same to the file of the Family Court at Tiruppur.

For Petitioner : Mr.I.M.Siddartha Ramarajan

For Respondent : No appearance

ORDER

The petitioner and the respondent were married as per Muslim rights and customs on 26.05.2016. From the wedlock, two children have been born to



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them, who are aged about five and seven years respectively. Due to differences between the parties, they were separated and the respondent/husband has initiated O.S.No.182 of 2023 for dissolution of marriage before the District Court at Melur. The husband is residing in Mangulam, Madurai District and the wife is residing in Karuvampalayam within the jurisdiction of the Courts at Tiruppur. The petitioner/wife finds it difficult to travel from Tiruppur to Melur to attend the hearing. Hence, this transfer petition.

2. Notice was ordered in the transfer petition on 12.12.2023. Though notice has been served on the husband, he neither entered appearance through a counsel nor appeared in person to oppose the petition.

3. Taking into consideration the distance between Melur and Tiruppur which is considerable and since the petitioner has two children to take care of, I am inclined to allow this transfer petition. O.S.No.182 of 2023 is withdrawn from the file of the District Munsif Court of Melur, Madurai District and is transferred to the file of the Family Court at Tiruppur. It is made clear that the Family Court at Tiruppur need not insist upon the respondent to appear for every hearing except the essential hearing. For non-essential or procedural



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hearings, he may be represented through a counsel.

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

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

To

- 1.The District Munsif of Melur, Madurai District
- 2.The Family Court at Tiruppur



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V.LAKSHMINARAYANAN, J.

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