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Tr.CMP.No.1233 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1233 of 2023

and

C.M.P.No.29571 of 2023

F.Benasir Begam

.. Petitioner

Vs.

M.Ansari

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.S.No.34 of 2023 pending on the file of the Family Court at Tirunelveli and transfer the same to the file of the Family Court at Chennai.

For Petitioner : Mr.M.R.Dhalapathy Vignesh Kumar

For Respondent : Mr.T.Balaji

ORDER

O.S.No.34 of 2023 has been filed before the Family Court at Tirunelveli by the husband. He seeks declaration that the talaq given by him on 19.01.2014 is valid and binding.



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2. The wife is a permanent resident of Mogappair at Chennai.

Therefore, she seeks transfer of proceedings from the file of the Family Court at Tirunelveli to the file of the Family Court at Chennai.

3. Mr.T.Balaji, appearing on behalf of the respondent, states that the witnesses are available only within the jurisdiction of the Family Court at Tirunelveli and therefore, the proceeding ought not been transferred.

4. It is not in dispute that the wife is a permanent resident of Chennai. For her to travel from Chennai to Tirunelveli, even, if she takes the best of the trains available, it is an overnight journey. The witnesses can always be produced before the Court at Chennai at the time of trial. Slight inconvenience, no doubt, would be caused to the husband, but when I weigh it as against the inconvenience that would be caused to the wife, it pales into insignificance.

5. Taking the convenience of the wife into consideration, the proceeding in O.S.No.34 of 2023 pending on the file of the Family Court at Tirunelveli is withdrawn and it shall stand transferred to the file of the



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Family Court at Chennai.

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6. It is made clear that the husband need not appear for every hearing. But, he shall appear for the essential hearings. On all other hearings, he may be represented through a counsel.

7. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. The connected Civil Miscellaneous Petition is closed.

24.04.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

To

1.The Family Court,
Tirunelveli

2.The Family Court,
Chennai



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V. LAKSHMINARAYANAN, J.

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