



TR.C.M.P(MD).No.103 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.03.2024

CORAM :

THE HONOURABLE Mr.JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.103 of 2024

and

C.M.P(MD)No.1959 of 2024

M.Harija Banu

... Petitioner

Vs

Sulthan Basha

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the O.S.No.71 of 2023 pending on the file of the Family Court at Madurai and transfer the same to the Family Court at Theni and to try the case in accordance with law in the interest of justice.

For Petitioner : Mr.I.Romeo Roy Alfred

For Respondent : Mr.R.Karunanidhi



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ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the O.S.No.71 of 2023 pending on the file of the Family Court at Madurai and transfer the same to the Family Court at Theni.

2. The case of the prosecution is that the marriage between the petitioner and the respondent was solemnized on 13.01.2019 at Theni, as per Islam Rites and Customs. At the time of marriage, petitioner's parents gave 40 sovereigns of gold jewels and household articles. Due to some misunderstanding, the petitioner was driven out from the matrimonial home. Later the respondent filed O.S.No.71 of 2023 before the Family Court, Madurai, seeking declaration of dissolution of marriage. Now the petitioner is living with her parents at Theni. Finding it difficult to travel from Theni to Madurai, to attend the Court proceedings, this petition came to be filed seeking transfer.

3. Learned counsel for the respondent would submit that the respondent has no objection in transferring the case.



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4. In a matrimonial proceedings, the convenience of the wife is a relevant factor. However, considering the fact that the wife is living in a far away place from Madurai, considering the convenience of the petitioner to attend the Court proceedings, this Transfer Civil Petition is liable to be allowed.

5. Accordingly, this Transfer Civil Miscellaneous Petition is liable to be allowed. There shall be a direction to the learned Judge, Family Court, Madurai, to transfer the entire records in O.S.No.71 of 2023, immediately to the file of the Family Court, Theni. After receiving the records, the learned Judge, Family Court, Theni, may assign new number and issue notice to parties for appearance and dispose the case in accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

22.03.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No



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G.ILANGO VAN, J.

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To

1. The Judge, Family Court, Theni.
2. The Judge, Family Court, Madurai.

ORDER
IN
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and
C.M.P(MD)No.1959 of 2024

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