



Tr.C.M.P.(MD).No.162 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Tr.C.M.P.(MD).No.162 of 2023
and C.M.P.(MD).No.3625 of 2023

Rahamath Feshana

... Petitioner/Defendant

Vs.

Mohammed Farook Ali

... Respondent/Plaintiff

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw O.S.No.17 of 2022 on the file of the learned Family Court, Dindigul District filed by the respondent herein and the same may be transferred to the Court of the learned Family Court, Madurai District.

For Petitioner : Mr.J.Sulthan Basha

For Respondent : Mr.R.Manickaraj

ORDER

This petition has been filed seeking transfer of O.S.No.17 of 2022 from the file of the Family Court, Dindigul to the file of the Family Court



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Pudukottai.

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2.The facts in brief:

The marriage was solemnized between the parties on 11.03.2012. Out of the wedlock they gave birth a male child. Thereafter, due to dispute arose between them, the husband made harassment against the petitioner and her son. Hence, a criminal case was registered on the file of the Dindigul Taluk Police Station, in Crime No.253 of 2022. Thereafter, the respondent/husband filed the suit in O.S.No.17 of 2022 for restitution of conjugal rights before the Family Court, Dindigul. The petitioner is facing difficulty to travel 120 kilo meters to attend every hearing in the above said proceedings. On that ground, she filed this petition seeking transfer of the same to the Family Court, Madurai.

3.Heard the learned counsel on either side.

4.The learned counsel for the petitioner would submit that the petitioner is going to file maintenance case before the Family Court, Madurai. The learned counsel for the respondent would submit that the



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respondent is working in a IT company and find out difficulty to attend the hearing if the matter is transferred. Hence, he objected the same.

5.Considering the facts and circumstances of the case and considering the convenience of the wife, the suit in O.S.No.17 of 2022 filed by the respondent on the file of the Family Court, Dindigul, is ordered to be withdrawn and transferred to the Family Court, Madurai. If the respondent got any grievance regarding appearance before the Family Court, Madurai, he can made request in this regard before the Judge, by engaging Advocate.

6.Accordingly, this transfer civil miscellaneous petition is allowed.
No costs. Consequently, connected miscellaneous petition is closed.

02.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

1.The Judge, Family Court, Dindigul.

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2.The Judge, Family Court, Madurai.

3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA,J.

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