



Tr.CMP.(MD)No.468 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.468 of 2024

and

C.M.P.(MD)No.10809 of 2024

Jannath Nasrin Banu

.. Petitioner

Vs.

Sheik Meeran Mydeen

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.S.No.312 of 2024 on the file of the Principal District Munsif Court, Tenkasi and transfer the same to the file of the District Munsif Court, Nanguneri.

For Petitioner : Mr.Charles Kamalesh M.Appaji

For Respondent : Mr.S.Sundarapandian



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ORDER

WEB COPY The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in O.S.No.312 of 2024 on the file of the Principal District Munsif Court, Tenkasi and transfer the same to the file of the District Munsif Court, Nanguneri.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 27.06.2019 at Kalakad Jamath in Tirunelveli District as per Muslim Rites and Customs. Out of the wedlock, a female child, named Aabiya Mariyam, was born on 23.06.2022.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in O.S.No.312 of 2024 on the file of the Principal District Munsif Court, Tenkasi seeking restitution of conjugal rights.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.



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5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her parents at Kalakad. The distance between Kalakad and Tenkasi is around 140 Kms to and fro, and the petitioner, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with the 2 year old child. Hence, she seeks transfer of proceeding from the file of the Principal District Munsif Court, Tenkasi to the file of the District Munsif Court, Nanguneri.

6. The learned counsel for the respondent would submit that instead of District Munsif Court, Nanguneri, the proceeding may be transferred to the file of the District Munsif Court, Ambasamudram, since Ambasamudram is the centre place for both the petitioner and the respondent.

7. It is well settled proposition of law that whenever the transfer petition is filed in matrimonial disputes, the convenience of the wife should be predominantly looked into, and the wife's convenience shall be given preference.

8. Considering the facts and circumstances of the case, and also



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considering the convenience of the wife, this Court is inclined to allow this petition.

9. The learned Judge, Principal District Munsif Court, Tenkasi is directed to transmit the entire records, pertaining to the case in O.S.No.312 of 2024, to the file of the District Munsif Court, Nanguneri within a period of three weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, District Munsif Court, Nanguneri is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

10. With the above direction, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

11.09.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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P. VADAMALAI, J.

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To

- 1.The learned Judge, Principal District Munsif Court,
Tenkasi
- 2.The learned Judge, District Munsif Court,
Nanguneri

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