



WEB COPY



Tr.CMP.(MD)No.451 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07/02/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Tr.CMP (MD) No. 451 of 2023

and

CMP (MD) No. 9544 of 2023

Nasurudeen Fathima : Petitioner

Vs.

Kathar Riyas : Respondent

PRAYER:-Transfer Civil Miscellaneous Petition is filed under section 24 of the Civil Procedure Code, to withdraw the OS No.9 of 2023 pending on the file of the Family Court, Tirupur and transfer the same to the file of the Additional District Judge, Palani and pass further and other orders.

For Petitioner : Mr.S.Karthik

For Respondent : No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the OS No.9 of 2023 on the file of the Family Court, Tirupur to the file of the Additional District Court, Palani.



Tr.CMP.(MD)No.451 of 2023

2. The facts in brief:-

The marriage between the husband and wife took place on 22/08/2022 at Palani Town Muslim Dharma Paripalana Sangam Pallivasal, The entire marriage expenses were borne by the parents of the wife. At the time of marriage, 32 sovereigns of gold jewel and other Srithana articles were provided. After the marriage, they started living in the matrimonial home. Thereafter, her husband and his parents, demanded more dowry. She was also driven out of the matrimonial home. So she lodged a complaint on 07/10/2022 before the Palani All Women Police Station. In spite of repeated attempt made by the elder of the family members and Jamath, there is no possibility of reunion. In the meantime, the wife filed a petition for maintenance and seeking return of her jewelry in DVOP No. 33 of 2022 on the file of the Judicial Magistrate, Palani. Thereafter, the husband filed OS No.9 of 2023 on the file of the Family Court, Tirupur seeking divorce and now it is pending for adjudication.

3.This petition is filed by the wife seeking transfer of the case in O.S No.9 of 2023 on the ground that now she is living in Palani along with her aged parents and she has to travel Tirupur, which is more than 100 kms from her locality.



Tr.CMP.(MD)No.451 of 2023

4. Even though notice is served upon the respondent/husband, he has not chosen to appear before this court either in person or through advocate. So after hearing the learned counsel appearing for the petitioner, this order is passed.

5. In a matrimonial proceedings, the convenience of the wife is a parameter.

6. So without going into other aspects, this Transfer Civil Miscellaneous petition **allowed**. Accordingly, OS No.9 of 2023 pending on the file of the Family Court, Tirupur, stands transferred to the Additional District Court, Palani, Dindigul District. The Family Court, Tirupur is directed to transmit the case papers to the Additional District Court, Palani, Dindigul District within a period of four weeks from the date of receipt of a copy of this order. After receiving the records, the Additional District Judge, Palani, Dindigul District may assign new number and conduct the trial, after issuing notice to the parties for appearance and dispose the case in accordance with law.

7. With the above-said directions, the Transfer Civil Miscellaneous Petition stands **allowed**. However, there



Tr.CMP.(MD)No.451 of 2023

shall be no order as to costs. Consequently, connected
Miscellaneous Petition is closed.

WEB COPY

07/02/2024

Index:Yes/No
Internet:Yes/No
er

To,

- 1.The Family Court,
Tirupur.
- 2.The Additional District Judge,
Palani, Dindigul District.



WEB COPY



Tr.CMP.(MD)No.451 of 2023

G.ILANGOVAN, J

er

Tr.CMP (MD) No.451 of 2023

07/02/2024