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Tr.C.M.P.No.155 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14/2/2025

C O R A M

The Hon'ble **Ms.JUSTICE P.T.ASHA**

Tr.C.M.P.No.155 of 2025

Abdul Gaffoor.S ... Petitioner

Vs

Unaija Fathima ... Respondent

Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer suit in O.S.No.493 of 2024 from the file of the Principal District Munsif Court, Tenkasi to the file of the Family Court, Chennai.

For petitioner ... Mr.Leeban Arivalagan

ORDER

The defendant husband is before this Court, seeking transfer of the suit in O.S.No.493 of 2024 pending on the file of the Principal District



Munsif, Tenkasi to the file of the Family Court, Chennai.

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2. The suit in O.S.No.493 of 2024 has been filed by the respondent wife for dissolution of marriage between the petitioner and respondent, in view of Talak-ul-mubarat, which had been taken place on 9/7/2020. The petitioner has not accepted the said arrangement and states that the relatives of the respondent threatened him to sign the papers of Talak-ul-mubarat. The petitioner would submit that he is keen on rejoining his wife/ respondent. He would seek for transferring the proceedings pending on the file of the District Munsif Court, Tenkasi to the Family Court, Chennai, on the ground that he has been threatened by the respondent, with physical abuse, if he appears before Tenkasi Court and fearing his safety, he wants the matter to be transferred to Chennai. Therefore, the present Transfer Civil Miscellaneous Petition has been filed.

3. Heard Mr.Leeban Arivalagan, learned counsel for the petitioner.

4. Admittedly, the respondent is residing at Tenkasi. It is not the case of the petitioner that he has been taking care of his wife and daughter



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by providing maintenance to them. It is also not his case that the respondent is employed and earning money. In these circumstances, he seeks to have the matter transferred to Family Court, Chennai, wherein, the presence of the parties for every hearing is mandatory and the respondent has to travel all along from Tenkasi to Chennai for all the hearings which would cause a lot of physical and financial hardship to the respondent. In such a view of the matter, this Court is not inclined to entertain the prayer sought for by the petitioner and accordingly, the same deserves dismissal.

5. In the result, this Transfer Civil Miscellaneous Petition is dismissed. No costs.

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mvs.

To

1. The Principal District Munsif Court, Tenkasi

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