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Transfer Civil Misc. *Petition No.1256 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

TR C.M.P.No.1256 of 2024

and

C.M.P.No.27152 of 2024

Dr.C.Aisha Begum

... Petitioner

Vs

Abdul Muqsith

... Respondent

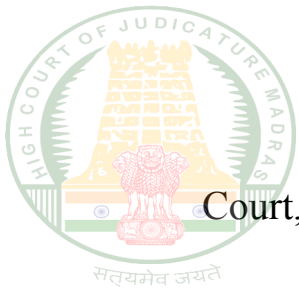
Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the case in O.S.No.333 of 2024 on the file of The Learned II Additional Family Court, Chennai and transfer the same to the file of the Family Court , Pondicherry.

For Petitioner : Mr.S.Samuel Selvaraj

For Respondent : Mr.S.Umapathy

ORDER

The petitioner/wife has filed this Tr.CMP seeking to withdraw the the suit O.S.No.333 of 2024 pending on the file of the II Additional Family Court, Chennai and transfer the same to the file of the Family

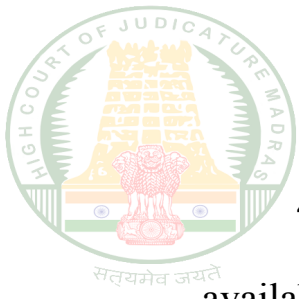


Court, Puducherry.

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2. O.S.No.333 of 2024 was filed by the husband on the file of the II Additional Family Court, Chennai to declare the Talaq notices issued by him on 23.04.2024, 02.06.2024 and 17.07.2024 to the petitioner as legal and valid as per the Islamic Law. She would seek to have the suit transferred as she is residing at Puducherry and since the matter is before the II Additional Family Court, Chennai, she finds it very difficult to attend every hearing of the case. This is not only a physical strain but also a financial burden on her.

3. A counter has been filed by the respondent-husband contending that although his marriage had been dissolved by the issuance of the three Talaq notices however he had approached the Civil Court to declare the Talaq notices issued as valid and legal as per the Islamic Law. He would submit that that only after receiving the summons, she has filed this transfer petition to harass the husband. The respondent would further submit that he fears for his life if he is made to travel to Puducherry, as the petitioner and her relatives have threatened him with dire consequences.



4. Heard the learned counsels on both side and perused the materials available on record.

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5. Originally this Court had requested both the counsels to arrive at a consensus with reference to a Court midway between Puducherry and Chennai. The two of them have not able to arrive at a consensus. Therefore, since the difficulty that the petitioner/wife would face if the application is not transferred far outweighs the contention of the physical threat set out by the respondent, this Court is of the view that the interest of justice would be served if the suit is transferred to the Court at Puducherry and the respondent/husband is permitted to appear through video conferencing in the above matter. Both counsels have no objection to this arrangement. Accordingly, this Tr.C.M.P is allowed and O.S.No.333 of 2024 pending the file of the II Additional Family Court, Chennai is withdrawn and transferred to the Family Court, Pondicherry. The respondent/husband is permitted to appear through video conferencing in the above matter. No costs. Consequently, connected miscellaneous petition is closed.

03.04.2025



Transfer Civil Misc. *Petition No.1256 of 2021*

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn

To,

1.The II Additional Family Court, Chennai

2.The Family Court , Pondicherry.



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P.T.ASHA, J.,

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