



Tr.CMP.No.1202 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.CMP.No.1202 of 2024

and

C.M.P.No.26145 of 2024

Shaheena

... Petitioner

Vs.

Mohamedriazudheen

... Respondent

Prayer in Tr.C.M.P: Petition filed under Section 24 of C.P.C., to withdraw further proceedings in O.S. No.102 of 2021 on the file of the Principal District Munsif Court, Tindivanam and transfer the same to the file of the Sub Court, Alandur.

Prayer in C.M.P : Petition filed under Section 151 of C.P.C., to pass an order of ad-interim stay of all further proceedings in O.S. No.102 of 2021 on the file of the Principal District Munsif Court, Tindivanam, pending disposal of the transfer petition.

For Petitioner : Mr.G.Mohammed Aseef

For Respondent : No Appearance



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ORDER

Heard.

2. This Transfer Civil Miscellaneous Petition is filed by wife seeking withdrawal of O.S.No.102 of 2021 on the file of the Principal District Munsif Court, Tindivanam and for transfer of the same to the file of the Subordinate Court, Alandur.

3. The petitioner is the wife. The respondent is stated to have instituted proceedings in O.S.No.102 of 2021 on the file of the Principal District Munsif Court, Tindivanam, and the petitioner seeks withdrawal and transfer of the said proceedings to the Sub Court, Alandur, where she is residing.

4. The marriage between the petitioner and the respondent was solemnized on 12.07.2020, as per Muslim rites and customs, at Mohmadiyar Masjid, Karunguli Village, Madhurandhangam, in the presence of relatives and well-wishers from both families. The petitioner states that she is residing at Alandur and that the distance between Alandur and Tindivanam is more than 120 km, and that there



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is no one to accompany her for every hearing, causing hardship in effectively contesting the proceedings at Tindivanam.

5. The petitioner also states that she has to take care of her aged father, who is stated to be a diabetic patient and having arthritis problem, and therefore regular travel to Tindivanam would cause both mental and physical hardship.

6. In matters of transfer under Section 24 C.P.C., this Court is required to balance convenience and the ends of justice. When the applicant demonstrates genuine difficulty in prosecuting/defending the proceedings at the place where it is pending, and when no serious prejudice is shown to be caused to the opposite party, transfer can be ordered to secure effective participation and fair adjudication.

7. In the case on hand, the petitioner's residence is at Alandur and the pleaded distance and attendant circumstances disclose a reasonable and bonafide difficulty to appear before the Court at Tindivanam for every hearing. The transfer sought is to the Sub Court



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at Alandur and the same would facilitate effective participation by the petitioner, while the respondent can work out his remedies before the transferee Court in accordance with law. Hence, this Court is satisfied that it is just and proper to allow the transfer petition.

8. Today, when the matter is taken up for hearing, there is no representation for the respondent. Considering the submissions made by the Learned counsel for the petitioner and in the interest of the justice, this Court is of the view to allow the petition.

9. Accordingly, Tr.C.M.P.No.1202 of 2024 is allowed. O.S.No.102 of 2021 on the file of the Principal District Munsif Court, Tindivanam, is withdrawn and transferred to the file of the Sub Court, Alandur. The Principal District Munsif Court, Tindivanam, shall transmit the entire records to the Sub Court, Alandur, within three (3) weeks from the date of receipt of this order and the Sub Court, Alandur shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any



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observations made in this order. Interim stay granted by this Court on 19.11.2024 shall stand vacated and C.M.P. No.26145 of 2024 is closed.

There shall be no order as to costs.

07.01.2026

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
kkd

To

1. The Principal District Munsif Court, Tindivanam.
2. The Subordinate Court, Alandur.



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Dr. A.D.MARIA CLETE, J.

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