



WEB COPY



Tr.C.M.P.No.1193 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P.No.1193 of 2025

and

C.M.P.Nos.27016 & 27021 of 2025

I.Shafnathul Misriya

... Petitioner

Versus

T.Imran

... Respondent

Prayer in Tr.C.M.P.No.1193 of 2025: Petition filed under Section 24 of C.P.C., to withdraw and transfer O.S.No.241 of 2025 from the file of the learned Family Court Judge, Chennai, to the file of the learned Subordinate Judge, Pollachi.

Prayer in C.M.P.No.27016 of 2025: Petition filed under Section 151 of C.P.C., to dispense with from his appearance in all further proceedings in O.S.No.241 of 2025 pending before the Court of learned Family Court Judge, Chennai, pending disposal of the Transfer Civil Miscellaneous Petition.

Prayer in C.M.P.No.27021 of 2025: Petition filed under Section 151 of C.P.C., to stay all further proceedings in O.S.No.241 of 2025 pending before the Court of the learned Family Court Judge, Chennai, pending disposal of the Transfer Civil Miscellaneous Petition.



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For Petitioner : Mr.G.Sujith
For Respondent : Mr.G.Gopalakrishnan

ORDER

Heard

2. This Transfer Civil Miscellaneous Petition has been filed under Section 24 of C.P.C., seeking to withdraw O.S.No.241 of 2025 pending on the file of the learned Family Court Judge, Chennai, and to transfer the same to the file of the learned Subordinate Judge, Pollachi.

3. The petitioner is the wife and the respondent is the husband. The marriage between the parties was solemnized on 18.01.2021 as per Muslim rites and customs. Out of the wedlock, a girl child, namely “Aiman Yusra”, was born on 23.04.2023.

4. The respondent has instituted O.S.No.241 of 2025 before the Family Court, Chennai, seeking restitution of conjugal rights. The petitioner seeks



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transfer primarily on the ground of hardship and inconvenience in contesting the proceedings at Chennai.

5. The case of the petitioner is that she is presently residing at Pollachi, and the minor child is stated to be suffering from health ailments requiring treatment and periodical check-ups at Pollachi. The petitioner also states that she is unemployed, dependent on her aged parents, and that she has initiated M.C.No.24 of 2025 before the Judicial Magistrate, Pollachi, claiming maintenance for herself and the minor child. It is further stated that the distance between Pollachi and Chennai is about 495 to 520 kms, requiring long travel time, and that it would be extremely difficult for the petitioner to undertake repeated journeys with the minor child for every hearing at Chennai.

6. In the present case, having regard to the petitioner's residence at Pollachi, the presence of a minor child stated to be under medical care, the pendency of maintenance proceedings at Pollachi, and the considerable distance involved, this Court is of the view to allow the transfer.



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7. Accordingly, Tr.C.M.P.No.1193 of 2025 is allowed. O.S.No.241 of 2025 on the file of the learned Family Court Judge, Chennai, is withdrawn and transferred to the file of the learned Subordinate Judge, Pollachi. The learned Family Court Judge, Chennai, shall transmit the entire records to the Subordinate Judge, Pollachi, within three (3) weeks from the date of receipt of this order and the learned Subordinate Judge, Pollachi, shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Interim stay granted by this Court on 04.11.2025 in C.M.P.No.27021 of 2025 shall stand vacated and C.M.P.Nos.27016 & 27021 of 2025 are closed. There shall be no order as to costs.

08.01.2026

cda

Index: Yes / No

Speaking Order / Non-speaking Order



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To

- 1.The Family Court Judge, Chennai.
- 2.The Subordinate Judge, Pollachi.



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DR. A.D. MARIA CLETE, J

cda

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C.M.P.Nos.27016 & 27021 of 2025**

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