



TR.C.M.P. (MD) No. 38 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

TR.C.M.P. (MD) No. 38 of 2024

and

C.M.P. (MD) No. 458 of 2024

Sivasakthi

... Petitioner

-VS-

S.Sundaramoorthy

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw the case on the file of the Sub-Court, Pollachi in H.M.O.P. No. 5 of 2022 and transfer the same to the Sub-Court, Thirumangalam, Madurai District.

For Petitioner : Mr. J.Karmega Kannan

For Respondent : Mr. R.Jegadeeswaran

ORDER

This Transfer Civil Miscellaneous Petition invoking under Section 24 of the Code of Civil Procedure, 1908, has been filed relating to a matrimonial



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dispute between the parties. The Husband, *viz.*, S.Sundaramoorthy, has filed H.M.O.P. No. 5 of 2022 seeking for divorce from his Wife, *viz.*, Sivasakthi, in the Sub-Court, Pollachi, which is sought to be transferred by the Wife to the Sub-Court, Thirumangalam, Madurai District.

2. Heard Mr. J.Karmega Kannan, Learned Counsel for the Wife, Mr. R.Jegadeeswaran, Learned Counsel appearing for the Husband and perused the materials placed on record, apart from the pleadings of the parties.

3. It is the case of the Wife that she would have to travel a distance of more than 225 kms from Pollachi to the Sub-Court, Thirumangalam to effectively defend the case filed against her by the Husband.

4. Learned Counsel for the Husband opposes the transfer contending that there is a life threat to him, which is denied by Learned Counsel for the Wife, who asserts that there would not be any form of threat to the Husband by her or her family members, and he has made an endorsement to that effect in the court record.



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5. In such circumstances, this Court is of the considered view that balance of convenience is in favour of conducting the proceedings at the Court within whose territorial limits of jurisdiction where the residence of the Wife is located. Consequently, the case in H.M.O.P. No. 5 of 2022 on the file of the Sub-Court, Pollachi is transferred to the Sub-Court, Thirumangalam, Madurai District, and both parties shall appear before that Court on 05.06.2024 for conduct of further proceedings from its present stage and on the subsequent dates to which it is adjourned from time to time till final order is passed.

6. It is made clear that if any occasion arises where the Husband faces any life threat, he may report it to the Presiding Officer of the Sub-Court at Thirumangalam, Madurai District, who shall conduct enquiry into it and may send report to this Court for re-transfer of the case, if such necessity arises.

In the result, the Transfer Civil Miscellaneous Petition is ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed.
No costs.

22.04.2024

Index : Yes/No

NCC : Yes/No

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Note: Issue order copy by 29.04.2024.



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Copy To:-

1. The Sub-Court, Pollachi.
2. The Sub-Court, Thirumangalam, Madurai District.
3. Sivasakthi
D/o.Selvam,
W/o.Sundaramoorthy,
D.No.10-3/4, Ponnumaniyam Lane,
Peraiyur,
Peraiyur Taluk,
Madurai District.
4. S.Sundaramoorthy,
S/o.Chokkar,
M.G.R.1st Street,
Anamalai,
Anamalai Taluk,
Coimbatore District.



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P.D. AUDIKESAVALU, J.

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