



TR.C.M.P. (MD) No. 47 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM

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

TR.C.M.P. (MD) No. 47 of 2022

and

C.M.P. (MD). No.922 of 2022

U.Preethi

... Petitioner / Respondent

-VS-

K.Arun Kumar

... Respondent / Petitioner

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw the case in H.M.O.P. No. 824 of 2021 filed by the Sub-Court, Poonamalle, Chennai and transfer the same to the Family Court, Madurai.

For Petitioner : Mr. AK. Azagarsami

For Respondent : Mr. J.C.Rathnavel Pandian

ORDER

This application for transfer of the case invoking Section 24 of the Code of Civil Procedure, 1908, has been filed relating to a matrimonial dispute between the parties. The Husband, viz., K.Arun Kumar has filed H.M.O.P. No. 824 of 2021 in the Sub-Court, Poonamallee, Chennai, seeking for divorce from



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his Wife, viz., U.Preethi, which is sought to be transferred by the Wife to the Family Court, Madurai.

2. Heard Mr. K.Azaharsami, Learned Counsel for the Wife and Mr. J.C.Rathnavel Pandian, Learned Counsel 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 700 kms from Madurai to the Sub-Court, Poonamallee, Chennai to effectively defend the case filed against her by the Husband. That apart, she also expresses difficulties to take care of the female child, aged about five years, which relevant factor remains uncontroverted. Further, it is informed that the Wife has filed M.C. No.3 of 2022 seeking maintenance in the Family Court, Madurai.

4. It is also brought to notice that H.M.O.P. No. 824 of 2021 filed by the Husband in the Sub-Court, Poonamallee, Chennai, has been transferred to the file of the Sub-Court, Ambattur, on formation of a new Court there and it has been re-numbered as H.M.O.P. No. 896 of 2023 in that Court.



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5. Learned Counsel for the Husband contends that though the case may be transferred to the Family Court, Madurai, his personal appearance in that Court may be dispensed with and he may be permitted to attend through video-conferencing facility during the hearings. It is also stated that his examination as witness may be made through a Commission appointed by the Trial Court and fixing the remuneration in terms of Rule 4 read with Rules 7, 8, 15, 16, 16-A, 17, 18 and 18-B of Order XXVI of the Civil Procedure Code, 1908, which shall be videographed at the cost fully borne in advance by him.

6. 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. 896 of 2023 on the file of the Sub-Court, Ambattur, is transferred to the Family Court, Madurai 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 on the aforesaid terms till final order is passed.



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In the result, the Transfer Civil Miscellaneous Petition is disposed.

Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes/No

Internet : Yes/No

TSG

Note: Issue order copy by 30.04.2024.

Copy To:-

- 1.The Sub-Court, Ambattur.
- 2.The Family Court, Madurai.
- 3.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.
- 4.U.Preethi
D/o P.Ulaganathan,
D No.148, 6th Street,
West Extension,
Krishnapuram Colony,
Madurai-625 014.
- 5.K.Arun Kumar,
S/o S.Krishnamurthy,
No. 2397, Type II,
CRPF Campus, Avadi, Chennai-600 065.



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P.D. AUDIKESAVALU, J.

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