



TR.C.M.P. (MD) No. 91 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2024

CORAM

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

TR.C.M.P. (MD) No. 91 of 2024
and
C.M.P. (MD) No. 1602 of 2024

S.Subathra

... Petitioner

-VS-

K.Satheeshkumar

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw H.M.O.P. No. 1605 of 2023 pending on the file of the Family Court, Madurai and transfer the same to the Family Court, Tirunelveli.

For Petitioner : Mr. A.George Stephen Kanikkairaj

For Respondent : Mr. J.Briston Romario

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.*, K.Satheeshkumar, has filed H.M.O.P. No. 1605 of 2023 seeking for divorce against his Wife, *viz.*, S.Subathra, in the Family Court, Madurai, which is sought to be transferred by the Wife to the Family Court, Tirunelveli.

2. Heard Mr. A.George Stephen Kanikkairaj, Learned Counsel for the Wife, Mr. J.Briston Romario, 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 160 kms from Tirunelveli to the Family Court, Madurai 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.

6. At this stage, Learned Counsel appearing for the Husband and the Wife agree that the case may be conducted at the Sub-Court, Kovilpatti, which could be conveniently accessed by both parties, and they have made a joint endorsement to that effect in the court record. It has also been undertaken that the Husband would pay the costs in advance that may be determined by the Sub-Court, Kovilpatti for the travel of the Wife whenever her personal appearance is required in the case. Consequently, the case in H.M.O.P. No. 1605 of 2023 on the file of the Family Court, Madurai is transferred to the Sub-Court, Kovilpatti 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.

7. 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



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Kovilpatti, 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.

18.04.2024

Index : Yes/No
Internet : Yes/No

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Note: Issue order copy by 24.04.2024.

Copy To:-

1. The Family Court, Madurai.

2. The Sub-Court, Kovilpatti.

3.S.Subathra
D/o.Swamy,
No.14/8, Nambikkai Nagar,
A.R.Santhu South Side,
Palayamkottai,
Tirunelveli-627 002.

4.K.Satheeshkumar,
S/o.Karuppasamy,
No.50, S.M.R. Thoppu,
Mettutheru, Pethaniyapuram,
Madurai District-625 016.



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P.D. AUDIKESAVALU, J.

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