



TR. CMP. (MD) No. 99 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2024

CORAM

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

**TR. CMP. (MD) No. 99 of 2024
and
C.M.P. (MD) No. 1895 of 2024**

Priya

... Petitioner / Respondent

-VS-

Dharanitharan

... Respondent / Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the case in H.M.O.P. No. 113 of 2023 on the file of the Family Court, Tiruppur and transfer the same to the file of the Sub Court, Sivakasi, Virudhunagar District.

For Petitioner : Mr. N.Pragalathan

For Respondent : Mr. R.Hari Cumarar

ORDER

This application for transfer of the case invoking Section 24 of the Code of Civil Procedure Code, 1908, has been filed relating to a matrimonial dispute between the parties. The Husband, viz., Dharanitharan has filed H.M.O.P. No. 113 of 2023 in the Family Court, Tiruppur seeking for Divorce against his



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Wife, viz., Priya, which is sought to be transferred by the Wife to the Sub-Court, Sivakasi, Virudhunagar District.

2. Heard Mr. N.Pragalathan, Learned Counsel for the Wife, and Mr. R.Hari Cumaran, 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 240 kms from Thaiyilpatti, Sivakasi Taluk, Virudhunagar District to the Family Court, Tiruppur to effectively defend the case filed against her by the Husband. It has also been brought to notice that the Wife had earlier filed an application in M.C. No. 10 of 2023 seeking maintenance under Section 125(3) of the Code of Criminal Procedure, 1973, before the Learned Judicial Magistrate No. II, Sattur, in which a final order has been passed on 28.04.2023 against the Husband.

4. In such circumstances, taking into account the rationale behind Section 21-A(2)(b) of the Hindu Marriage Act, 1955, 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 the residence of the



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Wife is located.

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5. At this stage, Learned Counsel appearing for the Husband and the Wife agree that the case may be conducted at the Sub-Court, Madurai, which is at a convenient location for access to both parties, and they have made a joint endorsement to that effect in the court record.

6. In view of the foregoing discussion, the case in H.M.O.P. No. 113 of 2023 on the file of the Family Court, Tiruppur, Tiruppur District is transferred to the Sub-Court, Madurai and both parties shall appear before that Court on the next date of hearing, which is fixed as 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.

In the result, the Transfer Civil Miscellaneous Petition is ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed.

No costs.

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Index : Yes/No

Internet : Yes/No

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To

1. The Family Court, Tiruppur.
2. The Sub Court, Madurai.
3. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.
4. Priya,
W/o. Tharanitharan,
D/o. Subramanian @ Subbaiah,
Door No. 4/1357-1, Kalaingar Colony,
Thaiyilpatti, Sivakasi Taluk,
Virudhunagar District.
5. Dharanitharan,
S/o. Sundararajan,
Door No. 1,
Therkku Thottam,
Nearby Jeyalakshmi Bakery,
Dharapuram Road,
Tiruppur, Tiruppur District.



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P.D. AUDIKESAVALU, J.

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