



TR.C.M.P. (MD) No. 106 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. 106 of 2024

and

C.M.P. (MD) No. 1997 of 2024

K.Priyadharshini

... Petitioner

-VS-

P.Yazhisai Selvan

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw the case in O.P. No. 46 of 2024 on the file of the Family Court, Theni and transfer the same to the Family Court, Srivilliputhur.

For Petitioner : Mr. S.Krishnan

For Respondent : Mr. G.Thalaimutharasu

ORDER

This application invoking Section 24 of the Code of Civil Procedure, 1908, has been filed relating to a matrimonial dispute between the parties. The Husband, viz., P.Yazhisai Selvan, has filed O.P. No. 46 of 2024 seeking for



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divorce from his Wife, viz., K.Priyadharshini, in the Family Court, Theni, which is sought to be transferred by the Wife to the Family Court, Srivilliputhur.

2. Heard Mr. S.Krishnan, Learned Counsel for the Wife, and Mr. G.Thalaimutharasu, 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 150 kms from Srivilliputhur, Virudhunagar District to the Family Court, Theni to effectively defend the case filed against her by the Husband. That apart, she also expresses difficulties to take care of her child, which relevant factor remain uncontroverted.

4. Learned Counsel for the Husband opposes the transfer contending that there is a life threat to him at Srivilliputhur, which is denied by Learned Counsel for the Wife, who undertakes 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 O.P. No. 46 of 2024 on the file of the Family Court, Theni is transferred to the Family Court, Srivilliputhur 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 at Srivilliputhur, he may report it to the Presiding Officer of the Family Court at Srivilliputhur, 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.

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Index : Yes/No
Internet : Yes/No

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Note: Issue order copy by 24.04.2024.

Copy To:-

1. The Family Court, Theni.
2. The Family Court, Srivilliputhur.
- 3.K.Priyadharshini,
W/o.Yazhisai Selvan,
D/o.P.Karnan, 5/302, Kalangar Kudiyiruppu,
Kunnoor, Nathampatti, Srivilliputhur Taluk,
Virudhunagar District.
- 4.P.Yazhisai Selvan,
S/o.(Late)Palchamy,
D.No.10/40, Dr.Ambedkar Street,
Bodi-Meenakshipuram,
Bodinayakkanur Taluk,
Theni District.
5. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court, Madurai.



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P.D. AUDIKESAVALU, J.

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