



TR.C.M.P. (MD) No. 115 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM

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

TR.C.M.P. (MD) No. 115 of 2024

and

C.M.P. (MD) No. 2171 of 2024

M.Mathavi

... Petitioner

-VS-

K.Suresh

... Respondent

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw and transfer the H.M.O.P.7 of 2024 on the file of the Sub-Court, Utthamapalayyam to the Family Court at Theni and dispose the same in accordance with law.

For Petitioner : Mr. A.R.Kannappan

For Respondent : No Appearance

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., K.Suresh, has filed H.M.O.P. No. 7 of 2024 seeking for



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Restitution of Conjugal Rights against his Wife, viz., M.Mathavi, in the Sub-Court, Uthamapalayam, which is sought to be transferred by the Wife to the Family Court, Theni.

2. Heard Mr. A.R.Kannappan, Learned Counsel for the Petitioner and perused the materials placed on record, apart from the pleadings of the parties. Though notice has been served to the Respondent, there is no representation for the Respondent.

3. It is the case of the Wife that she would have to travel a distance of more than 54 kms from Theni to the Sub-Court, Uthamapalayam to effectively defend the case filed against her by the Husband. That apart, she also expresses difficulties to take care of her school-going children, apart from her aged parents, which relevant factors remain uncontroverted. 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 the residence of the Wife is located.



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4. In view of the foregoing discussions, the case in H.M.O.P. No. 7 of 2024 on the file of the Sub-Court, Uthamapalayam is transferred to the Family Court, Theni, where the Wife is residing 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.

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

No costs.

05.04.2024

Index : Yes/No
Internet : Yes/No
PKN/ta

To

1. The Family Court, Theni.
2. The Sub-Court, Utthamapalayam.
3. 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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