



TR.C.M.P. (MD) No. 131 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2024

CORAM

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

TR.C.M.P. (MD) No. 131 of 2024
and
C.M.P. (MD) No. 2740 of 2024

Karthika

... Petitioner

-VS-

Bala Ruban

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw the case on the file of the Family Court, Thoothukudi at Thoothukudi District in H.M.O.P. No. 444 of 2023 and transfer the same to the Family Court, Madurai at Madurai District.

For Petitioner : Mr. L.Siva

For Respondent : Mr. P.Sujai Krishna

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., Bala Ruban, has filed H.M.O.P. No. 444 of 2023 seeking for



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divorce from his Wife, viz., Karthika, in the Family Court, Thoothukudi, which is sought to be transferred by the Wife to the Family Court, Madurai.

2. Heard Mr. L.Siva, Learned Counsel for the Wife, and Mr. Bala Ruban, 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 152 kms from Madurai to Thoothukudi to effectively defend the case filed against her by the Husband. That apart, she also expresses difficulties to take care of the five years old son, 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.

4. In view of the foregoing discussion, the case in H.M.O.P. No. 444 of 2023 on the file of the Family Court, Thoothukudi, is transferred to the Family Court, Madurai, where the Wife is residing, and both parties shall appear before that Court on the next date of hearing, which is fixed as 05.07.2024, for



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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.

5. As it is represented that an effort could be made to amicably resolve the dispute between the parties through mediation, the Family Court, Madurai shall send photocopies of the relevant papers in H.M.O.P. No. 444 of 2023 to the Mediation and Conciliation Centre attached to this Court immediately. The Officer-in-charge of the Mediation Centre shall nominate a Trained Mediator, and both parties, shall appear before the Mediation Centre at 11.00 a.m. on 20.06.2024 and the report of its outcome shall be sent by 03.07.2024 to the Family Court, Madurai.

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

No costs.

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Index : Yes/No
NCC : Yes/No
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Note: Issue order copy by 11.06.2024.



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P.D. AUDIKESAVALU, J.

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Copy To:-

- 1.The Family Court, Thoothukudi.
- 2.The Family Court, Madurai.
- 3.The Officer Incharge,
Tamil Nadu Mediation and Conciliation Centre,
Madurai Bench of Madras High Court Campus,
Madurai – 625 023.
- 4.Karthika,
D/o.Murugesan,
W/o.Balaruban,
Door No. 26, Kaliamman Kovil Theru,
Palam Station Road, Sellur,
Madurai City,
Madurai District.
- 5.Bala Ruban,
S/o.Anandraj,
Door No. 125, 4/4 Dhamodhara Nagar,
Thoothukudi City,
Thoothukudi District.

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