



TR.C.M.P. (MD) No. 151 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 23.04.2024**

**CORAM**

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

TR.C.M.P. (MD) No. 151 of 2024  
and  
C.M.P. (MD) No. 3179 of 2024

Priyadharshini

... Petitioner

-VS-

S.Kalai Muhilan

... Respondent

**Prayer:-** Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw the case in H.M.O.P. No. 100 of 2023 on the file of the Subordinate Court, Neyveli and the same may be transferred to Principal Subordinate Court, Kumbakonam so as to try along with H.M.O.P. No. 339 of 2023 on the file of the Principal Subordinate Court, Kumbakonam.

For Petitioner : Mr. S.Jeyakarthik

For Respondent : Mr. S.Murugapandi



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## 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.*, S.Kalai Muhilan, has filed H.M.O.P. No. 100 of 2023 seeking for divorce from his Wife, *viz.*, Priyadharshini, in the Subordinate Court, Neyveli, which is sought to be transferred by the Wife to the Principal Subordinate Court, Kumbakonam.

2. Heard Mr. S.Jeyakarthik, Learned Counsel for the Wife, and Mr. S.Murugapandi, 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 120 kms from Kumbakonam to the Subordinate Court, Neyveli, 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 D.V.C. No. 11 of 2023 before the Court of District Munsif *cum* Judicial Magistrate at Thiruvidadaimaruthur.



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4. Learned Counsel for the Husband opposes the transfer contending that there is a life threat to the Husband at Kumbakonam, 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.

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 H.M.O.P. No. 100 of 2023 on the file of the Subordinate Court, Neyveli is transferred to the Principal Subordinate Court, Kumbakonam 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 Kumbakonam, he may report it to the Presiding Officer of the Principal Subordinate Court at Kumbakonam, who shall conduct enquiry into it



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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.

**23.04.2024**

Index : Yes/No  
Internet : Yes/No

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**Note: Issue order copy by 30.04.2024.**

Copy To:-

1. The Subordinate Court, Neyveli
2. The Subordinate Court, Kumabkonam.
3. Priyadharshini,  
W/o. Kalai Muhilan  
D/o. Balaguru, No.337, Annai Fathima Nagar,  
Vilandha Kandam, Cholapuram Post,  
Kumabkonam Taluk, Thanjavur District-612 503.
4. S. Kalai Muhilan,  
S/o. Subramaniyan,  
No.443, Kamaraj Nagar,  
Seplanatham (North) Neyveli,  
Virudhahalam Taluk,  
Cuddalore District-607 802



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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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