



Tr. C.M.P. (MD) No.145 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.04.2023**

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

Tr. C.M.P. (MD) No. 145 of 2024
and
C.M.P. (MD) No. 3106 of 2024

P.Bhuvana

... Petitioner

Vs.

T.Balaji

... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw and transfer the above in H.M.O.P. No. 28 of 204 on the file of the learned Principal Sub Court, Kumbakonam, Thanjavur District and to transfer the same to the Family Court, Tiruchirappalli.

For Petitioner : Mr. B.Jameelarasu



WEB COPY



Tr. C.M.P. (MD) No.145 of 2024

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.*, T.Balaji, has filed H.M.O.P. No. 28 of 2024 seeking for Restitution of Conjugal Rights, in the Additional Sub-Court, Kumbakonam, Thanjavur District, which is sought to be transferred by the Wife, *viz.*, P.Bhuvana, to the Family Court, Tiruchirappalli.

2. Heard Mr. B.Jameelarasu, Learned Counsel for the Wife and perused the materials placed on record, apart from the pleadings of the parties. Though notice has been served on 25.03.2024, the Husband has not entered appearance till date.

3. It is the case of the Wife that she would have to travel a distance of more than 101 kms from Tiruchirappalli to the Additional Sub-Court, Kumbakonam, Thanjavur District, to effectively defend the case filed against her by the Husband. It has also been brought to notice that the Wife had



Tr. C.M.P. (MD) No.145 of 2024

earlier filed a petition in H.M.O.P. No. 406 of 2023 seeking for divorce from the Husband, which is pending before the Family Court, Tiruchirappalli.

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 Wife is located.

5. In view of the foregoing discussion, the case in H.M.O.P. No. 28 of 2024 on the file of the Additional Sub-Court, Kumbakonam, Thanjavur District is transferred to the Family Court, Tiruchirappalli 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.



Tr. C.M.P. (MD) No.145 of 2024

In the result, the Transfer Civil Miscellaneous Petition is ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

02.04.2024

Index : Yes/No
NCC : Yes/No
sm

To

1. The Additional Sub-Court, Kumbakonam, Thanjavur District.
2. The Family Court, Tiruchirappalli.

Copy to:-

1.P..Bhuvana,
W/o.Balaji,
D/o.Palraj,
No.34-A, First Street,
Ganapari Nagar,
Ariyamangalam, Tiruchirappalli.

2.Mr.T.Balaji,
S/o.T.Thiyagarajan,
No.34/75, Solaiyappan Street,
Kumbakonam Town,
Thanjavur District.



WEB COPY



Tr. C.M.P. (MD) No.145 of 2024

P.D.AUDIKESAVALU,J.

Sm

Tr. C.M.P. (MD) No. 145 of 2024

02.04.2024