



TR.C.M.P. (MD) No.152 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.04.2023**

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVU

TR.C.M.P. (MD) No. 152 of 2024
and
C.M.P. (MD) No. 3181 of 2024

Pavatharani

... Petitioner

Vs.

Ganandayalan

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw and transfer the case in H.M.O.P. No. 367 of 2023 from the Family Court at Dindigul to the file of the Sub Court, Ottansathiram.

For Petitioner : Mr. B.Arun

For Respondent : No Appearance

ORDER

This application for transfer of the case invoking Section 24 of the Code of Civil Procedure Code, 1908, has been filed relating to a matrimonial dispute between the parties. The Husband, viz., Gnanadayalan has filed H.M.O.P. No. 367 of 2023 in the Family Court, Dindigul seeking for Divorce



TR.C.M.P. (MD) No.152 of 2024

from his Wife, viz., Pavatharani, which is sought to be transferred by the Wife to the Sub-Court, Ottanchathiram.

2. Heard Mr. B.Arun, 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 08.03.2024, the Husband has not entered appearance till date.

3. It is the case of the Wife that there is a life threat to her in conducting proceedings at Dindigul and on an earlier occasion on 11.06.2023, whereby she was assaulted along with her family members. Further, she would have to travel a distance of more than 70 kms from Ottanchathiram to the Family Court, Dindigul to effectively defend the case filed against her by the Husband. That apart, she also expresses difficulties to take care of her three year old child, which relevant factor remains uncontroverted.

4. 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



TR.C.M.P. (MD) No.152 of 2024

is located.

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5. In view of the foregoing discussion, the case in H.M.O.P. No. 367 of 2023 on the file of the Family Court, Dindigul is transferred to the Sub-Court, Ottanchathiram, 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 and on the subsequent dates to which it is adjourned from time to time till final order is passed.

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
NCC : Yes/No
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TR.C.M.P. (MD) No.152 of 2024

P.D.AUDIKESAVALU,J.

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TO:

- 1.The Family Court, Ottanchathiram.
- 2.The Sub-Court, Dindigul
3. Pavatharani W/o.Gnanadayalan,
D/o.Muneeswaran,
Plot No.47/A/8, Kairasi Nagar,
Ottansathiram,
Dindigul District.
4. Gnanadayalan S/o.Nagaraj,
Door No.4/98/1, Kottaikaranpatti,
Dindigul East Taluk,
Dindigul District.
- 5.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.

Tr.C.M.P. (MD) No. 152 of 2024

23.04.2024

4/4