



TR.C.M.P. (MD) No.171 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **26.04.2023**

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

TR.C.M.P. (MD) No. 171 of 2024
and
C.M.P. (MD) No. 3812 of 2024

Sunmathi

... Petitioner

Vs.

Hari Prasath

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, 1908 to withdraw H.M.O.P. No. 273 of 2023 on the file of the Principal Sub Court, Kumabkonam, Thanjavur District and the same may be transferred to the Principal Subordinate Court, Tiruchengode, Namakkal District.

For Petitioner : Mr. M.Lavanya

For Respondent : No Appearance



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ORDER

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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.*, Hari Prasath has filed H.M.O.P. No. 273 of 2023 in the Principal Subordinate Court, Kumbakonam, Thanjavur District seeking for Divorce from his Wife, *viz.*, Sunmathi, which is sought to be transferred by the Wife to the Principal Subordinate Court, Tiruchengode, Namakkal District.

2. Heard Ms. M.Lavanya, 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 06.04.2024, the Husband has not entered appearance till date.

3. It is the case of the Wife that she is residing with her aged parents and she would have to travel a distance of more than 450 kms from Tiruchengode to the Principal Subordinate Court, Kumbakonam to effectively defend the case filed against her by the Husband. That apart, she



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also expresses difficulties to take care of her child, which relevant factor remains uncontroverted. It is represented that as the Husband is now working at Chennai, the conduct of the proceedings at Tiruchengode would not in any way cause inconvenience to him.

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 is located.

5. In view of the foregoing discussion, the case in H.M.O.P. No. 273 of 2023 on the file of the Principal Subordinate Court, Kumabkonam, Thanjavur District is transferred to the Principal Subordinate Court, Tiruchengode, Namakkal District, 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.



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

26.04.2024

Index : Yes/No
NCC : Yes/No
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Note: Issue order copy on **.05.2024.**

TO:

- 1.The Principal Subordinate Court,
Kumabkonam, Thanjavur District.
- 2.The Principal Subordinate Court,
Tiruchengode, Namakkal District,
- 3.Sunmathi, W/o.S.Hariprasath,
No.93, A2, Kalaivani Street,
Kullankadu, B.Kumarapalayam,
Namakkal District.
- 4.Hari Prasath,
S/o.Sudara Rajan,
No.7, Anna Nagar, 1st Street,
Thirunageshwaram, Kumbakonam Taluk,
Thanjavur District.

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P.D.AUDIKESAVALU,J.

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