



TR.C.M.P. (MD) No. 172 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. 172 of 2024

and

C.M.P. (MD) No. 3829 of 2024

Poojadevi

... Petitioner

-VS-

Rajaprabhu

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw H.M.O.P. No. 151 of 2023 on the file of the Sub-Court, Melur and transfer the same to the file of the Sub-Court, Thirumayam.

For Petitioner : Mr. A.Arun Prasad
For Respondent : Mr. S.Siva Ilayaraja

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.*, A.Rajaprabhu, has filed H.M.O.P. No. 151 of 2023 seeking for divorce from his Wife, *viz.*, Poojadevi, in the Sub-Court, Melur which is sought to be transferred by the Wife to the Sub-Court, Thirumayam.



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2. Heard Mr. A.Arun Prasad, Learned Counsel for the Wife, and Mr. S.Siva Ilayaraja, 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 61 kms from Thirumayam to the Sub-Court, Melur to effectively defend the case filed against her by the Husband. That apart, she also expresses difficulties to take care of her child, which relevant factors remain uncontroverted.

4. Learned Counsel for the Husband opposes the transfer contending that there is a life threat to him at Thirumayam, 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. 151 of 2023 on the file of the



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Sub-Court, Melur is transferred to the Sub-Court, Thirumayam 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 Thirumayam, he may report it to the Presiding Officer of the Sub-Court at Thirumayam, who shall conduct enquiry into it 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 disposed 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.



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Copy To:-

1. The Sub-Court, Melur.
2. The Sub-Court, Thirumayam
3. Poojadevi,
D/o. Subbiah,
No.877, Mu. Ala, Veethi,
Keelasevalpatti,
Thirumayam Taluk,
Pudukottai District
Original address of the petitioner:
No.37, Illakudipatti,
Thirumayam Taluk,
Pudukkottai District.
4. Rajaprabhu,
S/o. Alagu Thevar,
No.5-6/201, M. Vellalapatti,
V. Pudur, Manapacheri Post,
Melur Taluk,
Madurai District.
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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