



TR.C.M.P. (MD) No. 177 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2024

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

TR.C.M.P. (MD) No. 177 of 2024
and
C.M.P. (MD) No. 3932 of 2024

Mariya Desosha

... Petitioner

-VS-

S.Narayanan

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw and transfer the petition in H.M.O.P. No. 342 of 2023 on the file of the Subordinate Court, Kanchipuram to the Family Court, Madurai or any other competent Court at Madurai.

For Petitioner : Mr. A.Purantharadhasar
For Respondent : Mr. A.Prasanna Rajadurai

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.Narayanan, has filed H.M.O.P. No. 342 of 2023 seeking for divorce from his Wife, viz., Mariya Desosha, in the Subordinate Court,



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Kanchipuram which is sought to be transferred by the Wife to the Family Court, Madurai.

2. Heard Mr. A.Purantharadhasar, Learned Counsel for the Wife, and Mr. A.Prasanna Rajadurai, 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 400 kms from Madurai to the Subordinate Court, Kancheipuram to effectively defend the case filed against her by the Husband.

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



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whose territorial limits of jurisdiction where the residence of the Wife is located. Consequently, the case in H.M.O.P. No. 342 of 2023 on the file of the Subordinate Court, Kanchipuram is transferred to the Family Court, Madurai 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 Madurai, he may report it to the Presiding Officer of the Family Court, Madurai, 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 ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed.

No costs.

26.04.2024

Index : Yes/No
Internet : Yes/No

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Note: Issue order copy by 29.04.2024.



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Copy To:-

1. The Subordinate Court, Kanchipuram.
2. The Family Court, Madurai.
3. Mariya Desosha D/o. Gnanasekar,
W/o. Narayanan,
No.20, Vallalar Nagar East Kailsasam Temple,
Sevelimedu, Kanchipuram,
Kanchipuram District 631 502.

Now residing at:

- No.3/5, Mariammalkulam,
VTC Chinnailandaikulam Post,
Vadipatti Taluk,
Madurai District-625 221.
4. Narayanan,
S/o. Sundarraj,
No.20, Vllalar Nagar East Kailasam Temple,
Sevelimedu, Kanchipuram,
Kanchipuram District-631 502.
 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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