



TR.C.M.P. (MD) No. 170 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. 170 of 2024

and

C.M.P. (MD) No. 3791 of 2024

Anusuya

... Petitioner

-VS-

Karthikeyan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw H.M.O.P. No. 216 of 2021 on the file of the Family Court, Trichy and transfer the same to the file of the Family Court, Thanjavur.

For Petitioner : Mr.M.P.Senthil

For Respondent : No Appearance

ORDER

This application for transfer of the case invoking Section 24 of the Code of Civil Procedure, 1908, has been filed relating to a matrimonial dispute between the parties. The Husband, viz., Karthikeyan has filed H.M.O.P. No.



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216 of 2021 in the Family Court, Trichy, seeking for divorce from his wife, viz., Anusuya, which is sought to be transferred by the Wife to the Family Court, Thanjavur.

2. Heard Mr. M.P.Senthil, 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 08.04.2024, the Husband has not entered appearance till date.

3. Learned Counsel appearing for the Wife contends that the father of the Wife had passed way and there is no male member in the family available to support her for travel from Thanjavur to Trichy to effectively defend the case filed against her by the Husband, and the earlier Petition in H.M.O.P. No. 52 of 2021 filed by the Wife for restitution of conjugal rights before the Family Court, Thanjavur, has been decided by order dated 01.09.2023 in favour of the Wife after contest by the Husband.

4. In such circumstances and 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



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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. 216 of 2021 on the file of the Family Court, Trichy is transferred to the Family Court, Thanjavur 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

Internet : Yes/No

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To

1. The Family Court, Trichy.
2. The Family Court, Thanjavur.
3. 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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4. Anusuya,
W/o. Karthikeyan,
No.1/72, Middle Street,
Palayapatti, Thanjavur-613 402.

5. Karthikeyan,
S/o. Kaliyaperumal,
No.25/16, Goimettu Street,
East Chinthamani, Trichy.

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