



TR.C.M.P. (MD) No. 169 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. 169 of 2024

and

C.M.P. (MD) No. 3685 of 2024

Ambika

... Petitioner

-VS-

E.Jagadeesh

... Respondent

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw H.M.O.P. No. 4443 of 2023 pending on the V Additional Family Court, Chennai and transfer the same to the Sub Court, Tiruchendur.

For Petitioner : Mr. R.Ponkarthikeyan

For Respondent : No appearance

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., E.Jegadeesh has filed H.M.O.P. No. 4443 of 2023 seeking for



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divorce from his Wife, viz., Ambika, in the V Additional Family Court, Chennai, which is sought to be transferred by the Wife to the Sub-Court, Tiruchendur.

2. Heard Mr. R.Ponkarthikeyan, Learned Counsel for the Wife and perused the materials placed on record, apart from the pleadings of the parties.

3. The notice sent through Court to the Husband at the address furnished by him in the Petition in H.M.O.P. No. 4443 of 2023 has been returned unserved with the postal endorsement 'unclaimed', and as such, it is treated that he has been duly served in this application for transfer of that case made by the Wife.

4. According to the Wife, she is working in a private concern at Thoothukudi for meagre salary and she is struggling to meet out her day-to-day expenses and would have to travel a distance of more than 650 kms from Thoothukudi to Chennai to effectively defend the case filed by the Husband. That apart, she expresses difficulties to take care of her aged parents, which relevant factor remains uncontroverted.

5. In such circumstances, this Court is the considered view that balance of



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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. 4443 of 2023 on the file of the V Additional Family Court, Chennai is transferred to the Sub-Court, Tiruchendur, and both parties shall appear before the Sub-Court, Tiruchendur on the next date of hearing, which is fixed as 19.06.2024, for conduct of further proceedings from its present stage, and on the subsequent dates to which it is adjourned from time to time till it is disposed finally.

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

TSG

Note : Issue order copy by 29.05.2024.



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Copy to

1. The V Additional Family Court
Chennai.
2. The Sub-Court, Tiruchendur.
3. Ambika
D/o. Perumal
No. 92, South Street
Kombankulam Village
Thoothukudi – 628704.
4. E.Jegadeesh
S/o. Esakkimuthu
No.6-A, Tiruvalluvar Street
Chitaranjan Colony, Padmedu
Chennai – 600082.
5. The Section Officer
Vernacular Records Section
Madurai Bench of Madras High Court
Madurai.



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P.D. AUDIKESAVALU, J.

TSG

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