



TR. CMP. (MD) No. 204 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM

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

TR. CMP. (MD) No. 204 of 2024

and

C.M.P. (MD) No. 4445 of 2024

Suba Ranjani

... Petitioner / Respondent

-VS-

Kirubala Vinayak

... Respondent / Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the case in H.M.O.P. No. 143 of 2023 on the file of the Principal Sub-Court, Tenkasi and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr. G.Sailendrababu

For Respondent : No Appearance

ORDER

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., Kirubala Vinayak has filed H.M.O.P.



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No. 143 of 2023 in the Principal Sub-Court, Tenkasi seeking for Divorce against his Wife, viz., Suba Ranjani, which is sought to be transferred by the Wife to the Family Court, Madurai.

2. Heard Mr. G.Sailendrababu, 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 18.04.2024, the Husband has not entered appearance in the matter.

3. It is the case of the Wife that she would have to travel a distance of more than 160 kms from Madurai District to the Principal Sub-Court, Tenkasi 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. It has also been brought to notice that the Wife had earlier filed a petition in H.M.O.P. No. 1336 of 2023 seeking restitution of conjugal rights in the Family Court, Madurai.

4. In such circumstances, 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 proceedings at



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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. 143 of 2023 on the file of the Principal Sub-Court, Tenkasi is transferred to the Family Court, Madurai 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.

24.04.2024

Index : Yes/No

Internet : Yes/No

PKN

To

1. The Principal Sub-Court, Tenkasi.
2. The Family Court, Madurai.



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P.D. AUDIKESAVALU, J.

PKN

3. Suba Ranjani,
D/o. Balashanmugaraj
Door No. 1/141-5, 2nd North Cross Street,
K.Pudhur, Suryanagar, Madurai.
4. Kirubala Vinayak,
S/o. Kannan,
Door No. 11/B, State Bank Colony 1st Street Extn.,
Melakaram, Tenkasi, Tenkasi District.

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