



TR.C.M.P. (MD) No.208 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.04.2023**

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

TR.C.M.P. (MD) No. 208 of 2022

and

C.M.P. (MD) No. 374 of 2022

Kalarani

... Petitioner

Vs.

Selvaraju

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the F.C.O.P. No. 191 of 2021 on the file of the Family Court, Namakkal and transfer the same to Family Court, Srivilliputhur, Virudhunagar District.

For Petitioner : Mr. C.Christopher

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., Selvaraju has filed F.C.O.P.



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No. 191 of 2021 in the Family Court, Namakkal seeking for Divorce from his Wife, viz., Kalarani, which is sought to be transferred by the Wife to the Family Court, Srivilliputhur, Virudhunagar.

2. Heard Mr. C.Christopher, 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 30.05.2023, the Husband has not entered appearance till date.

3. It is the case of the Wife that she would have to travel a distance of more than 250 kms from Srivilliputhur to the Family Court, Namakkal to effectively defend the case filed against her by the Husband. That apart, she also expresses difficulties to take care of her four year old child and her parents, which relevant factors remain uncontroverted.

4. 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 the residence of the Wife is located.



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5. In view of the foregoing discussion, the case in F.C.O.P. No. 191 of 2021 on the file of the Family Court, Namakkal is transferred to the Family Court, Srivilliputhur, Virudhunagar District, where the Wife is residing 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
NCC : Yes/No
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TO:

- 1.The Family Court, Namakkal.
- 2.The Family Court, Srivilliputhur, Virudhunagar District.

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P.D.AUDIKESAVALU,J.

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- 3.Kalarani,
W/o.Selvaraju,
No.55, Mangala Nadar Compoud,
Satchiapuram Road,
Thiruthangal Village, Sivakasi Taluk,
Virudhunagar District.
- 4.Selvaraju,
S/o.Sankaran,
No.6/173, Thanneerpanthal,
Chinnathambipalayam,
Kumaripalayam,
Mohanur Taluk,
Namakkal District.
- 5.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.

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