



TR.C.M.P. (MD) No. 209 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2024

CORAM

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

TR.C.M.P. (MD) No. 209 of 2023

and

C.M.P. (MD) No. 4460 of 2023

S.Thangalaksmi

... Petitioner / Respondent

-vs-

Theepak

... Respondent / Petitioner

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw H.M.O.P. No. 634 of 2022 pending on the file of the Family Court, Trichy and to transfer the same to the file of the Sub Court, Tiruchendur, Thoothukudi District.

For Petitioner : Ms. J.David Ganesan

For Respondent : Mr. C.Muthusaravanan

O R D E R

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., Theepak has filed H.M.O.P. No. 634 of 2022 in the Family Court, Trichy (hereinafter referred to as 'Trial Court' for the



TR.C.M.P. (MD) No. 209 of 2023

sake of clarity and convenience), seeking for Divorce against his Wife, viz., S.Thangalakshmi, which is sought to be transferred by the Wife to the Sub-Court, Tiruchendur, Thoothukudi District.

2. Heard Mr. J.David Ganesan, learned Counsel for the Wife and Mr. C.Muthu Saravanan, Learned Counsel 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 more than 310 kms from Tuticorin to the Family Court, Trichy, to effectively defend the case filed against her by the Husband.

4. It is represented by the Learned Counsel for the Husband that the children born out of the wedlock are with him and he also expresses difficulties to take care of the old aged persons, and he finds difficult to travel from Tiruchendur where the Wife resides at present.

5. Having regard to the aforesaid submissions made, this Court is of the considered view that the balance of convenience is in favour of examining the Wife and her witnesses residing outside the territorial limits of jurisdiction of



TR.C.M.P. (MD) No. 209 of 2023

the Family Court, Trichy, through a Commission appointed by the Trial Court and fixing the remuneration in terms of Rule 4 read with Rules 7, 8, 15, 16, 16-A, 17, 18 and 18-B of Order XXVI of the Civil Procedure Code, 1908, which shall be videographed at the cost fully borne in advance by the Husband, instead of transferring the case to the Court within whose territorial limits the Wife resides. In respect of other hearings, the Wife shall be entitled to appear through video-conferencing facility in the Trial Court, if she is not able to attend physically. The counsel appearing for the Husband and Wife have also made an endorsement accepting the aforesaid arrangement to be followed by the parties for the proper conduct of case before the Trial Court.

In the result, the Transfer Civil Miscellaneous Petition is ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed.
No costs.

17.04.2024

Index : Yes/No

Internet : Yes/No

TSG

Note: Issue order copy by 29.04.2024.

Copy To:-

1.The Family Court, Trichy.



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TR.C.M.P. (MD) No. 209 of 2023

P.D. AUDIKESAVALU, J.

TSG

2.The Section Officer,
Vernacular Records Section, Madurai Bench of Madras High Court, Madurai.

3.S.Thangalakshmi,
W/o.Theepak,
P.R.Sons Main Road, Sonakkan Vilai,
Annapuram Post, Tuticorin-628 201.

4.Theepak,
S/o.Soundarabalan, Kamaraj Nagar,
Air Port, Tiruchirappali-7.

TR.C.M.P. (MD) No. 209 of 2023

17.04.2024