



TR.C.M.P. (MD) No. 197 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2024

CORAM

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

TR.C.M.P. (MD) No. 197 of 2023

and

C.M.P. (MD) No. 4228 of 2023

Divya Yogarathna

... Petitioner

-VS-

Udhayakumar

... Respondent

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw H.M.O.P. No. 479 of 2022 pending before the Family Court, Madurai and transfer the same to the Family Court, Tiruchirapalli or to any other Courts.

For Petitioner : Mr. G.S.Asok Adhithyan

For Respondent : Mr. M.Karthikeya Venkatachalapathy

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., Udhayakumar has filed H.M.O.P.



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No. 479 of 2022 in the Family Court, Madurai, seeking for divorce from his wife, viz., Divya Yogarathna, which is sought to be transferred by the Wife to the Family Court, Tiruchirapalli.

2. Heard Mr. G.S.Asok Adithyan, Learned Counsel for the Wife, Mr. M.Karthikeya Venkatachalapathy, 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 165 kms from Tiruchirappalli to the Family Court, Madurai to effectively defend the case filed against her by the Husband. That apart, she also expresses difficulties relating to treatment undergone by her and to take care of her child, which relevant factors remain uncontroverted.

4. Learned Counsel appearing for Husband states that the Respondent has no objection for the proposed transfer of the case and he has made an endorsement to that effect in the court record.

5. In view of the same, the case in H.M.O.P. No. 479 of 2022 on the file of the Family Court, Madurai is transferred to the Family Court, Tiruchirapalli, and both parties shall appear before that Court on the next date of hearing,



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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 on the aforesaid terms till it is finally disposed.

In the result, the Transfer Civil Miscellaneous Petition is ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed.

No costs.

29.04.2024

Index : Yes/No
Internet : Yes/No
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To

1. The Family Court, Madurai.
2. The Family Court, Tiruchirappalli.
3. The Section Officer, Vernacular Records Section,
Madurai Bench of Madras High Court, Madurai.
4. Divya Yogarathna,
D/o. Baba Bride,
Door No. 18/3, Marudur Road,
Opposite Ambal Rice Mill,
Samayapuram, Tiruchirappalli-621 112.
5. Udhayakumar,
S/o. Rajakumar,
Door No. 2/478F,
Rainbow Colony, Krishna 2nd Street,
Angalaparameswari nagar,
Thirupalai, Madurai-625 014.



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P.D. AUDIKESAVALU, J.

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