



TR.C.M.P. (MD) No.336 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.04.2024**

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEAVALU

TR.C.M.P. (MD) No. 336 of 2022

and

C.M.P. (MD) Nos. 5638 & 5639 of 2022

Archana

... Petitioner / Respondent

Vs.

Sridhar

... Respondent / Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the H.M.O.P. No. 198 of 2022 on the file of the learned Family court, Madurai and transfer the same to the file of the Family Court, Dindigul.

For Petitioner : Mr. S.D.Deva Kumar

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., A.Sridhar has filed H.M.O.P.

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No. 198 of 2022 in the Family Court, Madurai, seeking for Divorce from his Wife, viz., B.Archana, which is sought to be transferred by the Wife to the Family Court, Dindigul.

2. Heard Mr. S.D.Deva Kumar, Learned Counsel for the Wife and perused the materials placed on record, apart from the pleadings of the party. Though the name of the Learned Counsel for the Husband is printed in the cause-list, there is no appearance on his behalf when the matter is called today in Court.

3. It is the case of the Wife that she would have to travel a distance of more than 65 kms from Dindigul to the Family Court, Madurai to effectively defend the case filed against her by the Husband. That apart, she also expresses difficulties to take care of her aged parents, which relevant factor remain uncontroverted. It is not in dispute that the Wife has filed H.M.O.P. No. 6 of 2022 in the Family Court, Dindigul, seeking for restitution of conjugal rights, which is pending.

4. In such circumstances, this Court is of the considered view that balance of convenience is in favour of conducting both proceedings for



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restitution of conjugal rights filed by the Wife and divorce filed by the Husband at the same 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. 198 of 2022 is transferred from the file of the Family Court, Madurai to the file of the Family Court, Dindigul, where the Wife is residing to be tried along with H.M.O.P. No. 6 of 2022 is pending, 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 Petitions are closed. No costs.

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Index : Yes/No
NCC : Yes/No
TSG



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Copy to

1. The Family Court, Madurai.
2. The Family Court, Dindigul.
3. Archana,
D/o. Balasubramanian,
55, Pandian Nagar, Near,
Dr. Amuludeni Hospital, Dindigul District.
4. Sridhar,
S/o. Arumugaperumal,
D.No.23a, 5th Street,
Anna Nagar, Chithambaranagar,
Tuticorin.
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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