



TR.C.M.P. (MD) No.555 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. 555 of 2022
and
C.M.P. (MD) No. 8799 of 2022

P.Muthumanikkavalli

... Petitioner

Vs.

R.Manickavasagam

... Respondent

PRAYER: Petition filed under Section 24 r/w Section 151 of the Code of Civil Procedure, 1908 to withdraw and transfer the case in H.M.O.P. No. 631 of 2022 on the file of the Family Court, Madurai and to transfer the same to the file of the Family Court, Sivagangai.

For Petitioners : Mr. G.Prabhu Rajadurai

ORDER

This application for transfer of the case invoking Section 24 r/w 151 of the Code of Civil Procedure Code, 1908, has been filed relating to a



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matrimonial dispute between the parties. The Husband, viz., Manickavasagam has filed H.M.O.P. No. 631 of 2022 in the Family Court, Madurai seeking for restitution of conjugal rights with his Wife, viz., P.Muthumanikkavalli, which is sought to be transferred by the Wife to the Family Court, Sivagangai.

2. Heard Mr. G.Prabhu Rajadurai, 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 23.09.2022, 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 50 kms from Sivagangai 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 children, which relevant factor remains 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



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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. 631 of 2022 on the file of the Family Court, Madurai is transferred to the Family Court, Sivagangai, 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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P.D.AUDIKESAVALU,J.

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TO:

- 1.The Family Court, Madurai.
- 2.The Family Court, Sivagangai.
3. P.Muthumanikkavalli
Door No.399, Sivankoil Street,
Kantramanickam, Thiruppathur Taluk,
Sivagangai District.
- 4.R.Manickavasagam
Door No.4/760, Ward No.39,
Kurinji Theru, Tahsildar Nagar,
Madurai District.

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