



TR. CMP. (MD) No. 453 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM

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

**TR. CMP. (MD) No. 453 of 2023
and
C.M.P. (MD) No. 9561 of 2023**

Keerthana

... Petitioner / Respondent

-VS-

Jaisankar

... Respondent / Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the case in H.M.O.P. No. 78 of 2023 on the file of the Additional Sub-Court, Hosur and transfer the same to the file of the Family Court, Theni.

For Petitioner : Mr. M.A.M.Raja

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., Jaisankar has filed H.M.O.P. No. 78 of



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2023 in the Additional Sub-Court, Hosur seeking for Divorce against his Wife, viz., Keerthana, which is sought to be transferred by the Wife to the Family Court, Theni.

2. Heard Mr. M.A.M.Raja, Learned Counsel for the Wife, and perused the materials placed on record, apart from the pleadings of the parties. It is seen that the notice sent to the Respondent has been returned unserved with postal endorsement 'unclaimed'.

3. It is the case of the Wife that she would have to travel a distance of more than 300 kms from Bodinayakanur, Theni District to the Additional Sub-Court, Hosur, to effectively defend the case filed against her by the Husband. That apart, she also expresses difficulties to take care of her child, which relevant factors remain uncontroverted. It has also been brought to notice that the Wife has filed an application in M.C. No. 118 of 2022 seeking maintenance under Section 125(3) of the Code of Criminal Procedure, 1973, which is pending before the Learned Judicial Magistrate, Bodinayakanur.

4. In such circumstances and taking into account the rationale behind Section 21-A(2)(b) of the Hindu Marriage Act, 1955, this Court is of the



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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.

5. In view of the foregoing discussion, the case in H.M.O.P. No. 78 of 2023 on the file of the Additional Sub-Court, Hosur is transferred to the Family Court, Theni 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 disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed.
No costs.

24.04.2024

Index : Yes/No
Internet : Yes/No

PKN

To

1. The Additional Sub-Court, Hosur.
2. The Family Court, Theni.



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P.D. AUDIKESAVALU, J.

PKN

3. Keerthana,
D/o. Raveendranathan
Door No. 15-4-20, Sowdamman Kovil Street,
B.Renganathapuram, Theni District.

4. Jaisankar,
S/o. Murugesan,
Door No. 356, New No. 3, New ASTC Hudco MIG 62nd Cross,
Hosur, Krishnagiri District – 635 109.

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