



TRCMP. (MD) No. 88 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2024

CORAM

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

**TRCMP. (MD) No. 88 of 2024
and
C.M.P. (MD) No. 1495 of 2024**

Aishwarya

... Petitioner / Respondent

-VS-

Ashwinkumar

... Respondent / Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. to transfer the above H.M.O.P. No. 126 of 2023 from the file of the Subordinate Court, Devakottai and transfer the same to the Family Court, Trichirappalli.

For Petitioner : Mr. S.Ramasundarvijayraj

For Respondent : Mr. K.R.Bharathi Kannan

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., Ashwinkumar, has filed H.M.O.P. No. 126 of 2023 in the Sub-Court, Devakottai (hereinafter referred to as 'Trial



TRCMP. (MD) No. 88 of 2024

Court' for the sake of clarity and convenience), seeking for divorce from his Wife, viz., Aishwarya, which is sought to be transferred by the Wife to the Family Court, Trichy.

2. Heard Mr. S.Ramsundarvijayraj, Learned Counsel for the Wife and Mr. K.R.Bharathi Kannan, 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 110 kms from Trichy to the Sub-Court, Devakottai to effectively defend the case filed against her by the Husband.

4. Learned Counsel for the Husband submits that the Children are with the Husband and he is also carrying on business and as such, he finds difficult to travel from Devakottai to Trichy.

5. In order to expedite the disposal of the pending case, it is agreed that instead of transferring it, the Husband would pay the costs in advance that may be determined by the Trial Court for the travel of the Wife whenever her personal appearance is required in the case. In respect of other hearings, the



TRCMP. (MD) No. 88 of 2024

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 the Husband has made an endorsement accepting the aforesaid arrangement to be followed by the parties for the proper conduct of case before the Trial Court. Consequently, both parties shall appear before the Trial Court, 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.

17.04.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1. The Sub-Court, Devakottai.

2. The Section Officer,

Vernacular Records Section,

Madurai Bench of Madras High Court, Madurai.

3. Aishwarya,

W/o. Ashwinkumar,

No. 9/ff C-1, Dreams Deivanai Apartment, East Renganathapuram,

Gandhi Road, Srirangam, Tiruchirappalli.



WEB COPY



TRCMP. (MD) No. 88 of 2024

P.D. AUDIKESAVALU, J.

TSG

4. Ashwinkumar
S/o. P. Alagappan,
No. 11, North Theppakulam Road,
Karaikudi Taluk,
Sivagangai District.

TRCMP. (MD) No. 88 of 2024

17.04.2024