



TR.C.M.P. (MD) No. 557 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2024

CORAM

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

TR.C.M.P. (MD) No. 557 of 2023

and

C.M.P. (MD) No. 12809 of 2023

Manimegalai

... Petitioner / Respondent-Wife

-vs-

Sadayandi

... Respondent / Petitioner-Husband

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw the petition in H.M.O.P. No. 100 of 2021 on the file of the Additional Sub Judge, Hosur and transfer the same to the Sub-Court, Uthamapalayam, Theni.

For Petitioner : Ms. S.Prabha

For Respondent : Ms. A.Dharani

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., Sadayandi, has filed H.M.O.P. No. 100 of 2021 in the Additional Sub-Court, Hosur, seeking divorce from his Wife,



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viz., Manimegalai, which is sought to be transferred by the Wife to the Sub-Court, Uthamapalayam, Theni.

2. Heard Ms. S.Prabha, Learned Counsel for the Wife, and Ms. A.Dharani, 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 450 kms from Odaipatti, 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 two daughters in marriageable age, which relevant factors remain uncontroverted.

4. As it is represented that the Husband and his witnesses have already been examined, it is agreed by the Learned Counsel for the Husband that the Wife and her witnesses may be examined through a Commission appointed by the Trial Court on fixing the remuneration, in terms of Rule 4 read with Rules 7, 8, 15, 16, 16-A, 17, 18 and 18-B of Order XXVI of the Civil Procedure Code, 1908, which shall be videographed at the cost fully borne in advance by the Husband and he has made an endorsement to that effect in the Court record. In



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respect of other hearings, the Wife shall be entitled to appear through video-conferencing facility in the Trial Court, if she is not able to attend physically.

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

Note: Issue order copy by 30.04.2024.

Copy To:-

- 1.The Additional Sub-Court, Hosur.
- 2.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.
- 3.Manimegalai
W/o. Sadayandi, D/o. K. Perumal,
Manjal Nathi Road, Thotta Kudiruppu,
Thenpalani, Uthamapalayam Taluk, Theni District.



WEB COPY



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P.D. AUDIKESAVALU, J.

TSG

Presently Residing At
No.72/W-8, Thotta Kudiruppu,
Odaipatti, Theni District.

4.Sadayandi
S/o. Suruli Bommu,
MIG 506, 69th Cross,
ASTC HUDCO,
Hosur - 635109.
Presently Residing At MIG : 328,
New ASTC HUDCO,
60thh Cross, Hosur – 635 109.

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