



TR.C.M.P. (MD) No. 565 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

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

TR.C.M.P. (MD) No. 565 of 2023
and
C.M.P. (MD) No. 12860 of 2023

Pooranakumari

... Petitioner

-VS-

Somasundaram

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw H.M.O.P. No.26 of 2023 pending before the Sub-Court, Ramanathapuram and transfer the same to the Sub Court at Madurai.

For Petitioner : Mr. K.Jeya Mohan

For Respondent : Mr. B. Arun



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ORDER

This application invoking Section 24 of the Code of Civil Procedure, 1908, has been filed relating to a matrimonial dispute between the parties. The Husband, *viz.*, Somasundaram, has filed H.M.O.P. No. 26 of 2023 seeking for Restitution of Conjugal Rights against his Wife, *viz.*, Pooranakumari, in the Sub-Court, Ramanathapuram, which is sought to be transferred by the Wife to the Sub-Court, Madurai.

2. Heard Mr. K.Jaya Mohan, Learned Counsel for the Wife, Mr. B.Arun, Learned Counsel appearing 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 200 kms from Thanakankulam, Thiruparamkundram Taluk, Madurai District to the Sub-Court, Ramanathapuram to effectively defend the case filed against her by the Husband. That apart, she also expresses difficulties to take care of her school-going child, apart from her aged parents, which relevant factors remain uncontroverted. In such circumstances, 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.

4. In view of the foregoing discussions, the case in H.M.O.P. No. 26 of 2023 on the file of the Sub-Court, Ramanathapuram is transferred to the Sub-Court, Madurai, 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.

In the result, the Transfer Civil Miscellaneous Petition is ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

03.04.2024

Index : Yes/No

Internet : Yes/No

PKN/ta

Note: Issue order copy by 19.04.2024.



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Copy To:-

1. The Sub-Court Ramanathapuram.
2. The Sub-Court, Madurai.
3. Pooranakumari
No.3/417-A, Thanakangulam,
Mullai Nagar Main Veethi,
Thiruparamkundram Taluk,
Madurai District – 625 006.
4. Somasundaram,
D.No.7g/12/A, Kattu Pillaiyar Kovil Street,
Rameswaram, Rameswaram Taluk,
Ramanathapuram District – 623 526.
5. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court, Madurai.



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P.D. AUDIKESAVALU, J.

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