



TR.C.M.P. (MD) No. 762 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM

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

TR.C.M.P. (MD) No. 762 of 2022

and

C.M.P. (MD) Nos. 12251 & 12252 of 2022

Thenmozhi

... Petitioner / Petitioner
/ Respondent

-VS-

S.Selvakumar

... Respondent / Respondent
/ Petitioner

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw the proceedings in H.M.O.P. No. 955 of 2022 on the file of the Family Court, Madurai and to transfer the same to the file of the Family Court, Sivagangai.

For Petitioner : Mr. J.Jeyakumaran

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.*, S.Selvakumar, has filed H.M.O.P. No. 955 of 2022 seeking for



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Divorce from his Wife, viz., Thenmozhi, in the Family Court, Madurai, which is sought to be transferred by the Wife to the Family Court, Sivagangai.

2. Heard Mr. J.Jeyakumaran, Learned Counsel for the Wife and perused the materials placed on record, apart from the pleadings of the party. Notice sent to the Husband has been returned as “Unclaimed”.

3. It is the case of the Wife that she would have to travel a distance of more than 45 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 two children, which relevant factor remain uncontroverted.

4. It is brought to the notice of the Court that further proceedings have been stayed by this Court on 13.12.2022.

5. In such circumstances, this Court is of the considered view that balance of convenience is in favour of conducting the proceedings at the Court within whose territorial limits of jurisdiction where the residence of the Wife is located. Consequently, the case in H.M.O.P. No. 955 of 2022 on the file of the



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Family Court, Madurai is transferred to the Family Court, Sivagangai and both parties shall appear before that Court on 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 Petitions are closed. No costs.

23.04.2024

Index : Yes/No
Internet : Yes/No

TSG

Note: Issue order copy by 29.04.2024.

Copy To:-

1. The Family Court, Madurai.
2. The Family Court, Sivagangai.
3. Thenmozhi,
W/o. S.Selvakumar,
D/o. Balasubramanian,
No. 6-4/55, Keelakattu Road,
Near Selvamoorthy Iyyanar Kovil,
Singampunari,
Sivagangai District.
4. S.Selvakumar,
S/o. Shanmugam,
Door No. 1, North Street,
Palanganatham, Madurai-3.



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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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