



TR. CMP. (MD) No. 758 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM

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

**TR. CMP. (MD) No. 758 of 2023
and
C.M.P. (MD) No. 17075 of 2023**

Sindhu

... Petitioner

-VS-

1.Aathishnaveen
2.PC.Jegateeshwaran

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw H.M.O.P. No. 598 of 2023 on the file of the Family Court, Karur and transfer the same to the file of the Sub Court, Vendasandur.

For Petitioner : Mr. S.Ramanathan
For R1 : Mr. T.Antony Arul Raj
For R2 : 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., Dharanitharan has filed H.M.O.P. No.



TR. CMP. (MD) No. 758 of 2023

598 of 2023 in the Family Court, Karur seeking for Divorce from his Wife, viz., Sindhu, which is sought to be transferred by the Wife to the Sub-Court, Veda sandur.

2. Heard Mr. S.Ramanathan, Learned Counsel for the Wife, and Mr. T.Antony Arul Raj, 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 50 kms from Vedasanthur to the Family Court, Karur to effectively defend the case filed against her by the Husband. It has also been brought to notice that the Wife had earlier filed cases against the Husband in D.V.A.C. No. 4 of 2023 and C.C. No. 151 of 2021, which are pending before the Judicial Magistrate Court, Vedasanthur.

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 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.



TR. CMP. (MD) No. 758 of 2023

5. In view of the foregoing discussion, the case in H.M.O.P. No. 598 of 2023 on the file of the Family Court, Karur is transferred to the Sub-Court, Vedasanthur 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 ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed.
No costs.

23.04.2024

Index : Yes/No

Internet : Yes/No

ta

To

1.The Family Court, Karur.

2.The Sub-Court, Vedasanthur.

3.Sindhu,

D/o.Arumugasamy,

W/o.Aathishnaveen,

34A, VAP Complex,

Palani Road, Aathumedu,

Vedasandur Taluk,

Dindigul.



TR. CMP. (MD) No. 758 of 2023

4.Aathishnaveen,
S/o.KR.Ganesan,
2/256/C, 2nd Cross Street,
Aathur Soliyamman Nagar,
Sri Muthusami Salai,
Manmangalam Taluk,
Karur.

5.PC.Jegateeshwaran,
S/o.P.Chelladurai,
Dindigul-Palani Bypass Road,
Near Aranmanaipudur Division,
Esha Nurservy (Malar Nursery),
Pudhuchatiram,
Ottanchathram Taluk,
Dindigul District.



WEB COPY



TR. CMP. (MD) No. 758 of 2023

P.D. AUDIKESAVALU, J.

ta

TR. C.M.P. (MD) No. 758 of 2023

23.04.2024