



TR.C.M.P. (MD) No. 753 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2024

CORAM

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

TR.C.M.P. (MD) No. 753 of 2023
and
C.M.P. (MD) No. 16965 of 2023

B.Subashini

... Petitioner

-VS-

P.Gowtham

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw H.M.O.P. No. 1409 of 2023 on the file of the Family Court, Madurai and transfer the same to Sub-Court, Sathur.

For Petitioner : Mr. D.Saravanan

For Respondent : Mr. C.Vakeeswaran

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., P.Gowtham, has filed H.M.O.P. No. 1409 of 2023 seeking for



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Restitution of Conjugal Rights against his Wife, viz., B.Subashini, in the Family Court, Madurai, which is sought to be transferred by the Wife to the Sub-Court, Sattur.

2. Heard Mr. D.Saravanan, Learned Counsel for the Wife, Mr. C.Vakeeswaran, 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 160 kms from Sattur, Virudhunagar District 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 her child and her aged parents, which relevant factors remain uncontroverted. 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 the residence of the Wife is located.

4. In view of the foregoing discussion, the case in H.M.O.P. No. 1409 of 2023 on the file of the Family Court, Madurai is transferred to the Sub-Court, Sattur, where the Wife is residing and both parties shall appear before that



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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 Petition is closed.
No costs.

18.04.2024

Index : Yes/No
Internet : Yes/No

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Note: Issue order copy by 24.04.2024.

Copy To:-

1. The Family Court, Madurai
2. The Sub-Court, Sattur
3. B. Subashini,
D/o. S. Balasubramanian,
No. 1/348, R.R. Nagar,
R.S.R. Nagar, Own House Colony,
Virudhunagar District
4. P. Gowtham,
S/o. R. Pandian,
Door No. 124, E.B. Main Road,
Pykara, Muthuramalingapuram,
Madurai-625 004.



WEB COPY



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P.D. AUDIKESAVALU, J.

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5. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court, Madurai.

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