

Tr.C.M.P.(MD)Nos.135 and 136 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 23.06.2026

PRONOUNCED ON:30.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)Nos.135 and 136 of 2026
and
C.M.P.(MD)Nos.2659 and 2660 of 2026

Aparna

... Petitioner/Respondent
(in both petitions)

Vs.

D.Praveen Kumar

... Respondent/Petitioner
(in both petitions)

COMMON Prayer : These Transfer Civil Miscellaneous Petitions filed under Section 24 C.P.C., to withdraw the case in H.M.O.P.Nos.136 of 2024 and 139 of 2024 on the file of the Subordinate Court, Trichy and are to be transferred to the Subordinate Court, Virudhunagar.

For Petitioner
(in both petitions) : Mr.S.Karthikeyan

For Respondent
(in both petitions) : Ms.V.Rajeswari



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COMMON ORDER

These Transfer Civil Miscellaneous Petitions are filed to withdraw the case in H.M.O.P.Nos.136 of 2024 and 139 of 2024 on the file of the Subordinate Court, Trichy and are to be transferred to the file of the Subordinate Court, Virudhunagar.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. It is not in dispute that the marriage between the parties was solemnized on 19.11.2018 as per the Hindu Rites and Customs and due to their wedlock, they were blessed with a female child namely Dharshana born on 08.02.2020 and that subsequently there arose misunderstandings and are living separately. It is also not in dispute that the respondent has earlier filed a petition in H.M.O.P.No.98 of 2022 seeking divorce and the same was pending on the file of the Subordinate Court, Neyveli, that the petitioner has also filed a petition in H.M.O.P.No.194 of 2022, seeking

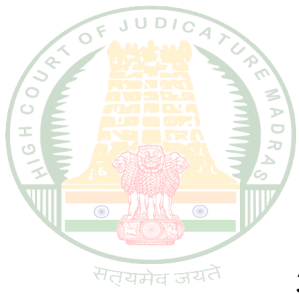


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restitution of conjugal rights and the same was pending on the file of the Subordinate Court, Virudhunagar.

4. The petitioner as well as the respondent filed transfer applications in Tr.C.M.P.(MD)Nos.74 of 2023 and 129 of 2023 and this Court, vide common order dated 05.06.2023, allowed the petition in Tr.C.M.P.(MD)No.129 of 2023 filed by the petitioner/wife and dismissed the petition in Tr.C.M.P.(MD)No.74 of 2023 filed by the respondent/husband and transferred the case in H.M.O.P.No.98 of 2022 from the file of the Subordinate Court, Neyveli to the file of the Subordinate Court, Virudhunagar. After transfer, the said petition was renumbered as H.M.O.P.No.134 of 2023. It is also not in dispute that the petitioner initiated the proceedings under the Domestic Violence Act in D.V.C.No.24 of 2023 and also laid a maintenance claim in M.C.No.16 of 2022 and the same were pending on the file of the Court of Judicial Magistrate No.I, Virudhunagar and that subsequently, parties entered into a compromise and settlement has been arrived at Lok Adalat and on that basis, the cases in D.V.C.No.24 of 2023 and M.C.No.16 of 2022 came to be dismissed as withdrawn.



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5. It is also not in dispute that the respondent filed transfer petitions in Tr.C.M.P.(MD)Nos.644 of 2023 and 650 of 2023 seeking transfer of the petitiones in H.M.O.P.No.194 of 2022 and H.M.O.P.No.134 of 2023 pending on the file of the Subordinate Court, Virudhunagar and transfer the same to the file of the subordinate Court, Trichy and that since the petitioner, despite the receipt of notice, has failed to enter into appearance, this Court passed separate orders dated 06.03.2024, transferring both the cases to the file of the Subordinate Court, Trichy. After the transfer, the cases were taken on file in H.M.O.P.Nos.136 of 2024 and 139 of 2024 and the same are pending on the file of the Principal Subordinate Court, Trichirappalli.

6. The learned Counsel for the petitioner would submit that the petitioner has initiated the proceedings under the Domestic Violence Act in D.V.C.No.21 of 2025 and also laid a maintenance claim in M.C.No.18 of 2025 and the same are pending on the file of the Court of the Judicial Magistrate No.1, Virudhunagar, that the petitioner is residing at Virudhunagar along with her child and that she finds it difficult to travel to Trichirappalli to attend the hearings.



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7. The learned Counsel for the respondent would submit that this Court, considering the request made by the respondent transferred both the petitions to the file of the Subordinate Court, Trichirappalli, that the petitioner has not challenged the orders passed in the transfer petitions and that therefore, she is now not entitled to seek transfer of the said cases again to the Subordinate Court, Virudhunagar.

8. No doubt, there is no statutory bar to filing a transfer petition seeking re-transfer of a case. However, such a petition must be founded on valid and sufficient grounds. Moreover, as rightly pointed out by the learned counsel appearing for the respondent, despite having received notice in Tr.C.M.P.(MD) Nos.644 of 2023 and 650 of 2023, the petitioner did not choose to enter appearance before this Court. Since the orders passed therein have not been challenged by the petitioner, they have attained finality.

9. No doubt, the petitioner's subsequent proceedings under the Protection of Women from Domestic Violence Act, 2005 and the petition

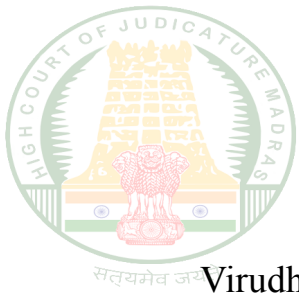


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for maintenance are pending before the Court of the Judicial Magistrate No.I, Virudhunagar. However, that circumstance, by itself, cannot constitute a ground for transferring the petition for divorce and the petition for restitution of conjugal rights to the file of the Subordinate Court, Virudhunagar. Even according to the petitioner, the earlier proceedings under the Domestic Violence Act and the maintenance case were withdrawn pursuant to the settlement arrived at between the parties before the Lok Adalat and after the matrimonial proceedings had already been transferred to the file of the Principal Subordinate Court, Tiruchirappalli. As rightly contended by the learned counsel for the respondent, the petitioner has thereafter chosen to institute fresh proceedings under the Domestic Violence Act and for maintenance, apparently with the sole intention of harassing the respondent.

10. In the earlier orders passed by this Court, it has been specifically observed that the respondent/husband is a person with physical disability and is employed in Canara Bank, Neyveli. The petitioner has not assigned any other valid reason or sufficient ground warranting the re-transfer of the above matrimonial proceedings to the file of the Subordinate Court,



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Virudhunagar. This Court, therefore, concludes that the present Transfer Civil Miscellaneous Petitions are devoid of merits and are liable to be dismissed.

11. In the result, the Transfer Civil Miscellaneous Petitions are dismissed. Consequently, the connected Civil Miscellaneous Petitions are also dismissed. There shall be no order as to costs.

30.06.2026

NCC :yes/No
Index :yes/No
Internet:yes/No

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To

1. The Subordinate Court, Trichy.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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Order made in
Tr.C.M.P.(MD)Nos.135 and 136 of 2026
and
C.M.P.(MD)Nos.2659 and 2660 of 2026

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