



TR.CMP(MD)Nos.35 and 36 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2025

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)Nos.35 and 36 of 2024
and
C.M.P.(MD)No.438 of 2024

S.Pandi Meena

... Petitioner
for both cases

Vs

P.Muruganantham

... Respondent
for both cases

Prayer For TR.CMP(MD)No.35 of 2024: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the H.M.O.P.No. 39 of 2022 before the Sub Court, Udumalaipet and transfer the same to the Sub Court, Theni.

Prayer For TR.CMP(MD)No.36 of 2024: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the H.M.O.P.No. 99 of 2021 before the Sub Court, Udumalaipet and transfer the same to the Sub Court, Theni.



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For Petitioner : Mr.M.Prabu
for both cases

For Respondent : Mr.R.Rajamohan
for both cases

COMMON ORDER

These Transfer Petitions are at the instance of wife. She seeks withdrawal of H.M.O.P.No.39 of 2022 and 99 of 2021 from the file of Sub Court, Udumalaipet and transfer the same to the file of Sub Court, Theni.

2.Heard Mr.M.Prabu, learned counsel for petitioner and Mr.R.Rajamohan, learned counsel for respondent.

3.Learned Counsel for the petitioner would submit that insofar as the petition in H.M.O.P.No.39 of 2022 is concerned, it is filed by the petitioner seeking restitution of conjugal rights and the same was dismissed for default on 06.02.2025. Insofar as the other petition in H.M.O.P.No.99 of 2021 is concerned, it is filed by the respondent/husband seeking divorce.

4.It is submitted by learned Counsel for the respondent that trial has



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already commenced and in support thereof, he filed a status report which would show that R.W.1 has been fully cross examined. He would further submit that since trial has already commenced, it is only appropriate that these petitions be dismissed and he would place reliance upon the judgment of this Court in the case of **Mangammal Vs. K.Marimuthu** reported in **2025 (2) MWN (Civil) 667**, wherein it was held as under:

“6.Admittedly, the OP has been filed by the respondent/husband before the Family Court, Krishnagiri, seeking dissolution of the marriage as early as January 2024. The petitioner/wife has participated in the proceedings on several hearings and has also allowed the commencement of trial, after completion of pleadings.

7.In the light of the above, I feel that it would not be just and proper to direct transfer of the OP at the part heard stage. At the same time, the interest of the petitioner/wife shall also has to be necessarily safeguarded considering that she had expressed difficulties to travel even to the Family Court, Krishnagiri.”

5.The learned Counsel for the petitioner would then submit that the petition in H.M.O.P.NO.99 of 2021 on the file of the Sub Court, Udumalaipet may be directed to be disposed of expeditiously.

6.In view thereof, these transfer petitions are dismissed. However, Sub Court, Udumalaipet is directed to dispose of the petition in H.M.O.P.NO.



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99 of 2021 expeditiously, preferably within a period of four months. No costs. Consequently, connected Miscellaneous Petition is closed.

Index :Yes/No
Web :Yes/No
Speaking/Non Speaking

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LR

To

1. Sub Court, Udumalaipet



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MOHAMMED SHAFFIQ, J.

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