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TR CMP(MD) NO. 53



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06-11-2025

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THE HONOURABLE MR.JUSTICE SHAMIM AHMED

TR CMP(MD) NO. 53 of 2024

and

CMP(MD) No.822 of 2024

Jeevitha,  
W/o. Sridhar  
Pallaru Dam  
Balasamuthiram Post  
Palani Taluk  
Dindigul District.

Petitioner (s)

Vs

Sridhar, S/o. Late. Rengaraj  
5th Cross Street  
Muthaiyan layout  
Near Fruits Godown  
Velliyangadu  
Tiruppur.

Respondent(s)

**Prayer:**

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P. No.14 of 2023 on the file of the Family Court, Tiruppur and to transfer the same to the file of the Sub-Court, Palani for trial.

**For Appellant(s):**

Mr.D.Venkatesh

**For Respondent(s):**

No appearance



## ORDER

The present Transfer Civil Miscellaneous Petition has been filed with the following prayer:

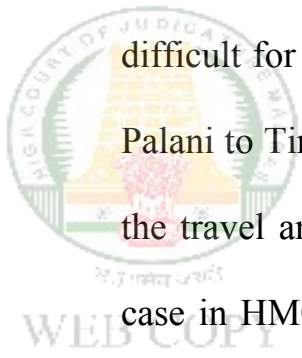
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"to withdraw the case in H.M.O.P.No.14 of 2023 on the file of the Family Court, Tiruppur and to transfer the same to the file of the Sub Court, Palani for trial."

2.Heard Mr.D.Venkatesh, learned counsel for the petitioner.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 14.11.2018, according to Hindu rites and customs. Out of their wedlock, they were blessed with a female child, namely, Varshini and due to the matrimonial dispute arose between them, the petitioner had left the matrimonial home. The respondent/husband has filed H.M.O.P.No.14 of 2023 before the Family Court, Tiruppur, seeking divorce and the petitioner/wife has filed a petition in DVOP.No.13 of 2023 under Protection of Woman from Domestic Violence Act, 2005, before the learned Judicial Magistrate, Palani. Seeking transfer of the above H.M.O.P.No.14 of 2023 from the file of Family Court, Tiruppur, to the file of Sub Court, Palani, the present Transfer Civil Miscellaneous Petition has been filed.

4 Mr.D Venkatesh, learned counsel for the petitioner submits that being a lady, it is very



difficult for the petitioner to travel more than 160 kms., approximately up and down from Palani to Tiruppur, for all the Court hearings and also she do not have any finance to meet the travel and other incidental expenses. Thus, he prays that this Court may transfer the case in HMOP.No.14 of 2023 from the file of the Family Court, Tiruppur, to the file of Sub Court, Palani.

5.This Court, vide order, dated 13.10.2025, had passed the following order:

*“This case is listed before this Court for rehearing today, as regular Bench, as per the order, dated 15.09.2025, of the Honourable The Chief Justice of this Court.*

*2.Mr.D.Venkatesh, the learned counsel for the Petitioner has submitted that the matter has been listed after a lapse of nearly a year and hence, the learned counsel prays for an adjournment to get instructions from the Petitioner in this matter.*

*3.Mr.S.Sabari Geethan, the learned counsel for the Respondent prays for two weeks time to file counter affidavit on behalf of the Respondent.*

*4.Accordingly, two weeks and no more time is granted to the learned counsel for the Respondent to file counter affidavit on behalf of the Respondent and thereafter, one week time is granted to the learned counsel for the Petitioner to file rejoinder affidavit to the counter affidavit filed by the Respondent.*

*5.The learned counsel for the Petitioner is also directed to file the current status of the case pending before the Trial Court on the next date fixed.*

*6.Since in this case the Co-ordinate Bench of this Court had already granted an order of interim stay of all further proceedings in HMOP.No.14 of 2023*



*on the file of the Family Court, Tiruppur, the said interim order of stay s  
remain extended till the date of next hearing.*

*7.Put up this case "For Orders" on 06.11.2025 before the appropriate  
Bench.”*

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6.Today, when the case was taken up in the revised call, the learned counsel for the respondent has not appeared before this Court and despite this Court granting sufficient opportunity to him to file a counter affidavit, he has also not filed the same. Thus, it appears that the learned counsel for the respondent is not interested to pursue this Transfer Civil Miscellaneous Petition.

7.Accordingly, after considering the arguments as advanced by the learned counsel for the parties, considering the fact that the petitioner, being a lady, would be facing difficulty to travel about more than 160 kms approximately up and down to attend all the Court hearings before the Family Court, Tiruppur, where the HMOP.No.14 of 2023

is pending and that she is also facing finance constraint to meet travel and incidental expenses and also considering the averments made in the affidavit filed in support of the present Transfer Civil Miscellaneous Petition, this Transfer Civil Miscellaneous Petition is **allowed**, as prayed for. The matrimonial case in HMOP.No.14 of 2023, on the file of the Family Court, Tiruppur, is hereby ordered to be withdrawn and transferred to the file of the Sub Court, Palani. The learned Subordinate Judge, Palani, is directed not to give any



adjournment to either of the parties unless there is any cogent reason or stay by Court and decide the case, on merits and in accordance with law, expeditiously. No costs. Consequently, connected Miscellaneous Petition is closed.

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8.Registry is directed to communicate this order to the learned Subordinate Judge, Palani, as well as to the learned Judge, Family Court, Tiruppur, for its necessary compliance and information, within a period of 10 days from today.

Index :Yes / No **06.11.2025**

Internet :Yes / No

NCC :Yes / No

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To

- 1.The Judge, Family Court, Tiruppur.
- 2.The Subordinate Judge, Palani.
- 3.The Additional Registrar General,  
Madurai Bench of Madras High Court, Madurai.



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**SHAMIM AHMED, J.**

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**TR CMP(MD) NO.53 of 2024**

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