



TR.C.M.P.(MD)No.124 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.11.2025

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

TR.C.M.P.(MD)No.124 of 2024

and

C.M.P.(MD)Nos.2498, 2499 and 5407 of 2024

M.Shifano Rani
Daughter of Mohan Fernando
Door No. 91-J
North Kallikulam Road
Meenavankulam
Nanguneri Taluk
Tirunelveli District
Tamil Nadu 627502

Permanently residing at Door No. 147-I
Main Kallikulam Road
Meenavankulam
Kallikulam
Tirunelveli - 627502.

... Petitioner

vs.

S.Clement
Son of D. Selvam
Door No. 40
Venkatesan Street
West Tambaram
Chengalpattu District
Tamil Nadu Pin Code- 600045.

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure to pass an order withdrawing the divorce



TR.C.M.P.(MD)No.124 of 2024

petition in F.C.I.D.O.P. No. 18 of 2024 on the file of the Family court, Chengalpattu and to transfer the same to the file of the Subordinate Court, Nanguneri.

For Petitioner : No appearance
For Respondent : Mr.S.Chandra Sekar

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in FCIDOP.18 of 2024 pending on the file of the Family Court, Chengalpattu and transfer the same to the file of Subordinate Court, Nanguneri.

2.Today, when the matter is being taken up, no one appeared on behalf of the petitioner.

3.Heard Mr.S.Chandra Sekar, learned counsel for the respondent.

4.Mr.S.Chandra Sekar, learned counsel for the respondent submits that the matter has already been settled between the parties, as the dispute is purely matrimonial in nature, being between the husband and wife and a decree of divorce under Section 10-A of the Indian Divorce



TR.C.M.P.(MD)No.124 of 2024

Act, 1869, has also been passed on 02.09.2025. Thus, he submits that the relief sought for by the petitioner has now become infructuous and there is no cause of action also exists in the present Transfer Civil Miscellaneous Petition and prays this Court that suitable orders may be passed, accordingly.

5.A copy of order made in FCIDOP.250 of 2025, dated 02.09.2025 on the file of the Family Court, Chengalpet, has been produced before this Court and the same is taken on record.

6.Accordingly, in view of the arguments as advanced by the learned counsel for the respondent and also considering the fact that the matter has already been settled between the parties and a decree of divorce under Section 10-A of the Indian Divorce Act, 1869, has also been passed, this Court is of the view that no useful purpose will be served in continuing with the present Transfer Civil Miscellaneous Petition, as there is no cause of action exists in the present Transfer Civil Miscellaneous Petition and the relief sought for by the petitioner has now become infructuous.



TR.C.M.P.(MD)No.124 of 2024

WEB COPY

7. Accordingly, this Transfer Civil Miscellaneous Petition is dismissed as having become infructuous. Interim order, if any, shall stand vacated and the file is consigned to record. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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21.11.2025

To

1.The Judge, Family court, Chengalpattu.

2.The Subordinate Judge, Nanguneri.



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TR.C.M.P.(MD)No.124 of 2024

SHAMIM AHMED, J.

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TR.C.M.P.(MD)No.124 of 2024

21.11.2025