



TR CMP(MD) NO. 165 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10-11-2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

TR CMP(MD) NO. 165 of 2024

and

CMP(MD) No.3406 of 2024

A.Jegajothi

W/o.P.Sakthivel, D/o.O.Annadurai, Door No.5/173,
Gandhi Nagar, Ettarai Village, Srirangam, Trichy District.

Appellant(s)

Vs

P.Sakthivel

S/o.Palanisamy, Door No.4/76, Nallikadu, Periyagoundapuram,
Valapadi Taluk, Salem District.

Respondent(s)

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to pass an order to withdraw the H.M.O.P.No.29 of 2022 on the file of the Subordinate Judge Court Salem, Salem District to transfer the case to Family Court, Trichy, Trichy District.

For Appellant(s):

Mr.A.Alexander

For Respondent(s):

Mr.Pragadeesh for

Mr.R.J.Karthick



ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.29 of 2022 on the file of the Subordinate Court, Salem, Salem District and transfer the same to the file of Family Court, Trichy, Trichy District.

2.Heard Mr.A.Alexander, learned counsel for the petitioner and Mr.Pragadeesh, learned counsel representing Mr.R.J.Karthik, learned counsel for the respondent.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 23.05.2021, according to Hindu rites and customs. Due to matrimonial dispute arose between them, the petitioner had left the matrimonial home. The respondent/husband has filed H.M.O.P.No.29 of 2022 before the Sub-Court, Salem, Salem District, seeking divorce. Seeking transfer of the above H.M.O.P.No.29 of 2022 from the file of Sub-Court, Salem, Salem District, to the file of Family Court, Trichy, Trichy District, the present Transfer Civil Miscellaneous Petition has been filed.

4.Mr.A.Alexander, learned counsel for the petitioner submits that being a lady, it is very difficult for the petitioner to travel more than 250 kms., approximately up and down from Trichy to Salem, 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.29 of 2022 from the file of the Sub-Court, Salem, Salem District to the file of Family Court, Trichy, Trichy District.

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.A.Alexander, learned counsel for the petitioner submits 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.Today, when the matter is being taken up, Mr.R.J.Karthik, learned counsel for the respondent is not present before this Court.

4.Accordingly, one last opportunity is given to Mr.R.J.Karthik, learned counsel for the respondent to argue the case. In the meantime, the learned counsel for the respondent is directed to file a counter affidavit within two weeks and one week time thereafter is allowed to the learned counsel for the petitioner to file a rejoinder affidavit to the counter affidavit filed by the respondent.

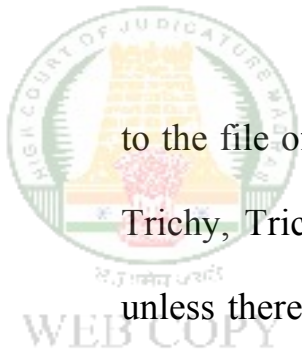
5.The learned counsel for the petitioner is also directed to file the current status of the case pending before the Trial Court on the next date fixed.



6.Put up this case 'For Orders' on 10.11.2025 before the appropriate Bench. Since in this case the Coordinate Bench of this Court had already granted an order of interim stay of all further proceedings in HMOP.No.29 of 2022 on the file of the Subordinate Court, Salem, the said interim order of stay shall remain extended till the date of next hearing."

6.Despite this Court granting sufficient opportunity to the learned counsel for the respondent to file a counter affidavit, he has not filed the same. However, he has made submissions, objecting to transfer the case in HMOP.No.29 of 2022 from the file of the Sub-Court, Salem, Salem District, to the file of Family Court, Trichy, Trichy District.

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 250 kms approximately up and down to attend all the Court hearings before the Sub-Court, Salem, Salem District, where the HMOP.No.29 of 2022 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.29 of 2022, on the file of the Sub-Court, Salem, Salem District, is hereby ordered to be withdrawn and transferred



to the file of the Family Court, Trichy, Trichy District. The learned Judge, Family Court, Trichy, Trichy District, is directed not to give any adjournment to either of the parties unless there is any cogent reason or stay by any higher Court and decide the case, if the same is not already decided, on merits and in accordance with law, expeditiously. No costs. Consequently, connected Miscellaneous Petition is closed.

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

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

10.11.2025

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To

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



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