



Tr.CMP.(MD)No.234 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.234 of 2025

and

C.M.P.(MD)No.6073 of 2025

Somasundarapandian

.. Petitioner

Vs.

Petchiammal

.. Respondent

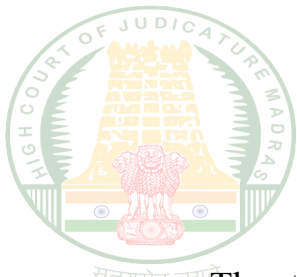
Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.199 of 2024 on the file of the Family Court, Thoothukudi and transfer the same to the file of Family Court, Tirunelveli.

For Petitioner : Mr.S.Muthu Malai Raja

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the H.M.O.P.No.199 of 2024 on the file of the Family Court,



Tr.CMP(MD)No.234 of 2025

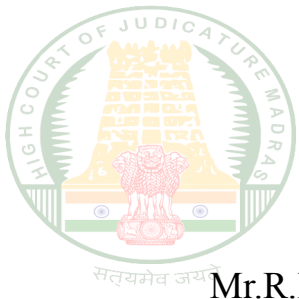
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Thoothukudi and transfer the same to the file of Family Court, Tirunelveli.

2.The petitioner is the husband of the respondent. He married the respondent on 30.11.2017. After the marriage there was some matrimonial discard between them. Therefore, he filed divorce petition in H.M.O.P.No. 199 of 2024 on the file of the Family Court, Thoothukudi.

3.Now the petitioner filed this petition to transfer the same to the Family Court, Tirunelveli, stating that he is working as an Office Assistant of the Special Court for trial of the cases under SC/ST (POA) Act, Thoothukudi. The Special Judge also take in-charge of the Family Court, Thoothukudi, in number of times as on date. Hence, he seeks to transfer the case to the Family Court, Tirunelveli and he also undertakes to pay the personal transfer expenses of the respondent.

4.Considering the said submissions, this Court entertains this transfer civil miscellaneous petition and ordered notice to the respondent. The respondent served with notice and he engaged an Advocate

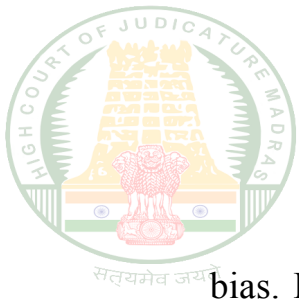


Tr.CMP(MD)No.234 of 2025

WEB COPY

Mr.R.M.Suresh. But, the above said Advocate neither appear before this Court, nor filed any counter denying the allegations stated in the affidavit. This Court posted this case on 11.06.2025. On that there was no representation for the respondent. The learned counsel for the petitioner also informed him about the hearing. But, he has not appeared before this Court even today. Once the learned counsel filed vakalath it is the duty of the counsel to represent before the Court and contest the case. It is unfortunate to see that the learned counsel who filed vakalath and failed to appear before this Court, in spite of sufficient opportunity given to him. It is up to the respondent to take action against him either through the Bar Council or through any of the proceedings for his non appearance before this Court.

5.This Court perused the affidavit and this Court finds every reason to accept the apprehension expressed by the petitioner. The petitioner is working as a Court Staff in the Family Court, Thoothukudi, in addition to this attended duty in the Court of Sessions constituted under SC/ST Act. Therefore, he correctly filed this petition to avoid reasonable



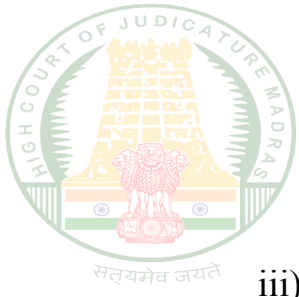
Tr.CMP.(MD)No.234 of 2025

WEB COPY

bias. He also undertakes to give the transport expenses of the respondent. Further he seeks only to transfer the case from Thoothukudi to Tirunelveli, situated within the reasonable distance. Only to avoid the possible bias, this Court is inclined to accept the same.

6. Accordingly, this transfer civil miscellaneous petition stands allowed on the following terms:

- i) The learned District Judge, Family Court, Thoothukudi, is hereby directed to transfer the entire records pertaining to the case, in H.M.O.P.No.199 of 2024, to the file of the learned District Judge, Family Court, Tirunelveli, within a period of **four** weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned District Judge, Family Court, Tirunelveli, is directed to take the case on file and dispose of the case as expeditiously as possible in accordance with law.
- ii) The petitioner is directed to pay Rs.500/- to the respondent for each and every hearing.



Tr.CMP.(MD)No.234 of 2025

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iii) There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.07.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

1. The District Judge, Family Court, Thoothukudi.
2. The District Judge, Family Court, Tirunelveli.



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K.K. RAMAKRISHNAN, J.

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