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TR CMP(MD) NO. 25



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03-11-2025

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THE HONOURABLE MR.JUSTICE SHAMIM AHMED

TR CMP(MD) NO. 257 of 2025

and

CMP(MD) No.6775 of 2025

Revathi
W/o.Pandi Ayya
D/o.Alagarsamy
No.14/9
GD North Street
Kamankottai Village
Paramakudi Taluk
Ramanathapuram District.

Appellant(s)

Vs

Pandi Ayya
S/o.Kanesan
Illuppai Street
Pulivalam Village and Post
Thiruvarur Taluk and Di.Mu.Illakka
Thiruvarur District.

Respondent(s)

Prayer:

Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw the case in HMOP No.06/2025 on the file of the learned Sub Court, Thiruvarur District and to transfer the said case to the learned Family Court, Ramanthapuram.

For Appellant(s):

Mr.S.Sivaprakash



For Respondent(s):

M/r J.Sathiaraj



ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.6 of 2025 pending on the file of the Subordinate Court, Thiruvarur District, and transfer the same to the file of Family Court, Ramanathapuram.

2.Heard Mr.S.Sivaprakash, learned counsel for the petitioner and Mr.J.Sathiaraj, learned Counsel for the respondent.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 30.08.1995, according to Hindu rites and customs. Due to difference of opinion, they are living separately and the respondent/husband has filed H.M.O.P.No.6 of 2025 before the Sub-Court, Thiruvarur, for restitution of conjugal rights. Seeking transfer of the above H.M.O.P.No.6 of 2025 from the file of Sub-Court, Thiruvarur to the file of Family Court, Ramanathapuram, the present Transfer Civil Miscellaneous Petition has been filed.

4.Mr.S.Sivaprakash, learned counsel for the petitioner submits that being a lady, it is very difficult for the petitioner to travel more than 250 kms., approximately from Ramathapuram to Thiruvarur, 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.6 of 2025 from the file of the Sub-Court, Thiruvarur to the file of Family Court, Ramanathapuram.



5.The Co-ordinate Bench of this Court, vide order dated 29.07.2025, referring to the Mediation and Conciliation Centre attached to this Bench, had passed the following order, :-

“Today, when the matter is taken up for hearing, the learned counsel for the petitioner as well as the respondent would submit that the matter may be referred to mediation for resolving the issue.

2.Considering the request of the both side counsel, this matter is referred to Mediation and Conciliation Centre, attached to this Bench. 3.Both the parties are directed to appear before the Mediation Centre on 04.08.2025. In the mean time, the Mediation Centre shall appoint a mediator in this case. The Mediator is directed to submit a report on or before 26.08.2025.

4.Registry is directed to list the matter before this Court 28.08.2025, along with report. ”

6.After mediation, The Mediation and Conciliation Centre attached to this Bench had filed its report, dated 25.08.2025, which is already on record, and as per the mediation report, dated 25.08.2025, it is seen that the mediation failed and no agreement was reached between the parties.

7.Mr.J.Sathiaraj, learned counsel for the respondent has made submissions, opposing to transfer the matrimonial case filed by the respondent in HMOP.No.6 of 2025, as prayed for by the petitioner, as it is also equally inconvenience for the respondent to attend all the Court hearings before the Court, to which, the matrimonial case filed by him, is now sought to be transferred by the petitioner.



8. Accordingly, after considering the arguments as advanced by the learned court parties, considering the fact that the petitioner, being a lady, would be facing difficulty to travel about more than 250 kms approximately to attend all the Court hearings before the Sub-Court, Thiruvarur District, where the HMOP.No.6 of 2025 is pending and that she is also facing finance constraint to meet travel and incidental expenses and also considering the fact that though the matter was referred to the Mediation and Conciliation Centre attached to this Bench, the mediation failed and no agreement was reached between the parties 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.6 of 2025, on the file of the Sub-Court, Thiruvarur District, is hereby ordered to be withdrawn and transferred to the file of the Family Court, Ramanathapuram. The learned Judge, Family Court, Ramanathapuram, 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, on merits and in accordance with law, expeditiously. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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

03-11-2025

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To



1.The Subordinate Judge, Thiruvarur District.

2.The Judge, Family Court, Ramanthapuram.

3.The Additional Registrar General,

Madurai Bench of Madras High Court, Madurai.

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TR.C.M.P.(MD)No.257 of 2025

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