



TR CMP(MD) NO. 315 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-10-2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

TR CMP(MD) NO. 315 of 2025

and

CMP(MD) No.8385 of 2025

P.Gomathi

D/o. S.Pudhuvinayagam, D.No.106/3, Kangakulam,
Pillayarkulam (Post) Srivilliputhur, Virudhunagar District.

Appellant(s)

Vs

R.Kurinjimuthu

S/o. Late. M.Radhakrishnan, D.No.2/642B, Krishna Paakiya Bhavanam,
Kasturibai Colony, Nehru Nagar 3rd Street, S.N.College Post, Perungudi,
Madurai 625 022.

Respondent(s)

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the case in HMOP No.433 of 2025 on the file of Family Court, Madurai and transfer the same to the file of Family Court, Srivilliputhur.

For Appellant(s):

Mr.D. Deepak Arasu

For Respondent(s):

No appearance



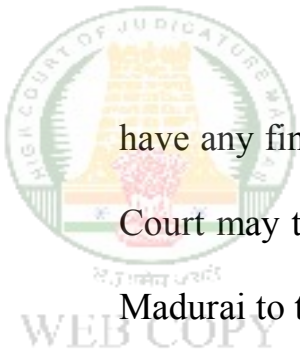
ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in HMOP.No.433 of 2025, on the file of the Family Court, Madurai and transfer the same to the file of Family Court, Srivilliputhur.

2.Heard Mr.D.Deepak Arasu, learned counsel for the petitioner.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 07.07.2014, according to Hindu rites and customs and they have a male child, namely, Dheshvin Dwarath, aged about 7 years, studying 1st Standard at Vanniyampatty. Due to matrimonial dispute arose between them, the petitioner had left the matrimonial home and she is also taking care and custody of the child. The respondent/husband has filed the above H.M.O.P.No.433 of 2025 before the Family Court, Madurai, for restitution of conjugal rights. Hence, this Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.433 of 2025, on the file of the Family Court, Madurai and transfer the same to the file of Family Court, Srivilliputhur.

4.Mr.D.Deepak Arasu, learned counsel for the petitioner submits that being a lady, it is very difficult for the petitioner to travel 180 kms., along with her 7 year old child up and down from Srivilliputhur to Madurai, 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.433 of 2025 from the file of the Family Court, Madurai to the file of Family Court, Srivilliputhur.

5.The Co-ordinate Bench of this Court, vide order dated 06.06.2025, had passed the following order:-

“Issue notice to the respondent, returnable on 25.06.2025. Private notice is also permitted.

2.Batta in 3 working days. Once batta is paid, Registry is directed to issue process on the same day.

3.Affidavit of proof of service ought to be filed on or before 24.06.2025.

4.List this case on 25.06.2025.”

6.As per Office report, dated 25.06.2025, notice has been served on the sole respondent. However, when the matter came up for hearing on 01.09.2025, neither the respondent nor any counsel representing the respondent appear before this Court. Thus, this Court, on 01.09.2025, had adjourned the matter to today, granting one last opportunity to the respondent to argue the case. The order, dated 01.09.2025, passed in the present Transfer Civil Miscellaneous Petition is extracted herein below:-

“This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the case in HMOP.No.433 of 2025 on the file of the Family Court, Madurai and transfer the same to the file of Family Court, Srivilliputhur.



2. The Co-ordinate Bench of this Court, vide order dated 06.06.2025, passed the following order:-

“Issue notice to the respondent, returnable on 25.06.2025. Private notice is also permitted.

2. Batta in 3 working days. Once batta is paid, Registry is directed to issue process on the same day.

3. Affidavit of proof of service ought to be filed on or before 24.06.2025.

4. List this case on 25.06.2025.”

3. As per Office report, dated 25.06.2025, notice has been served on the sole respondent. However, when the matter is being taken up for hearing today, neither the respondent nor any counsel representing the respondent appear before this Court today.

4. Accordingly, one last opportunity is given to the respondent to argue the case. In the meantime, the respondent is directed to file a counter affidavit within four 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. Put up this case 'for orders' on 23.10.2025 before the appropriate Bench.”

7. However, even today, when the case was taken up in the revised call, neither the respondent nor any counsel representing the respondent appear before this Court. Thus, it appears that the respondent is not interested to pursue this Transfer Civil Miscellaneous Petition.



8. Accordingly, considering the arguments as advanced by the learned counsel for the petitioner 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.433 of 2025, on the file of the Family Court, Madurai, is hereby ordered to be withdrawn and transferred to the file of the Family Court, Srivilliputhur. The Family Court, Srivilliputhur, 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.

Index :Yes / No
Internet :Yes / No

23.10.2025

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To

- 1.The Judge, Family Court, Madurai.
- 2.The Judge, Family Court, Srivilliputhur



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SHAMIM A

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23.10.2025