



TR.C.M.P.(MD)No.350 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.11.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

TR.C.M.P.(MD)No.350 of 2025
and
C.M.P.(MD)No.9648 of 2025

P.S.Naveena,
D/o.Selvaraj,
No.8/2/1, Sivaramapuram,
Anjukiramam,
Kanyakumari District.

... Petitioner

vs.

P.Senthilkumar,
S/o.Pandian,
No.26/3, Panaankulam,
Karanthaneri, Karanthaneri Village,
Nanguneri Taluk, Tirunelveli District.

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure to withdraw the I.D.O.P.No.95 of 2025 on the file of the 4th Additional District Court, Tirunelveli and transfer the same to the file of Family Court, Nagercoil at Kanyakumari.

For Petitioner :Mr.M.Murugan
For Respondent :Mr.D.Venkatachalam



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ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in IDOP.No.95 of 2025 pending on the file of the 4th Additional District Court, Tirunelveli, and transfer the same to the file of Family Court, Nagercoil at Kanyakumari.

2.Heard Mr.M.Murugan, learned counsel for the petitioner and Mr.D.Venkatachalam, learned Counsel for the respondent.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 22.05.2009, according to Christian Rites and Customs. Out of their wedlock, they were blessed with a male child, namely, Josewa, who is studying 12th std. Due to difference of opinion, the petitioner/wife has filed IDOP.No.11 of 2025 before the Family Court, Nagercoil at Kanyakumari, seeking divorce and the respondent/husband has filed IDOP.No.95 of 2025 before the 4th Additional District Court, Tirunelveli, seeking restitution of conjugal rights. Seeking transfer of the above IDOP.No.95 of 2025 from the file of



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4th Additional District Court, Tirunelveli, to the file of Family Court, Nagercoil at Kanyakumari, the present Transfer Civil Miscellaneous Petition has been filed.

4.The Co-ordinate Bench of this Court, vide order dated 15.07.2025, while referring the matter 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 28.07.2025. 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 22.08.2025.

4.Registry is directed to list the matter before this Court 25.08.2025, along with report.

5.Interim order already granted by this Court is extended until further orders. ”



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5.After mediation, The Mediation and Conciliation Centre attached to this Bench had filed its report, dated 20.08.2025, which is already on record, and as per the mediation report, dated 20.08.2025, it is seen that the mediation completed and no agreement was reached between the parties.

6.Mr.M.Murugan, learned counsel for the petitioner submits that being a lady, it is very difficult for the petitioner to travel more than 150 kms., approximately up and down from Nagercoil to Tirunelveli, for all the Court hearings and also she do not have any finance to meet the travel and other incidental expenses. It was further submitted that even though the petitioner made an earnest effort to facilitate a settlement with the respondent, due to the non-cooperation of the respondent, mediation failed and no agreement was reached between the parties. Thus, he prays that this Court may transfer the case in IDOP.No.95 of 2025 from the file of the 4th Additional District Court, Tirunelveli to the file of Family Court, Nagercoil at Kanyakumari.



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7.Mr.D.Venkatachalam, learned counsel for the respondent has made objections to the submissions made by the learned counsel for the petitioner for transferring the case filed by the respondent in IDOP.No.95 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 case filed by him, is now sought to be transferred by the petitioner.

8.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 150 kms approximately up and down to attend all the Court hearings before the 4th Additional District Court, Tirunelveli, where IDOP.No.95 of 2025 is pending and that she is also facing finance constraint to meet travel and incidental expenses and also considering the fact that due to the non-cooperation of the respondent, 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



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for. The matrimonial case in IDOP.No.95 of 2025, on the file of the 4th

Additional District Court, Tirunelveli, is hereby ordered to be withdrawn and transferred to the file of Family Court, Nagercoil at Kanyakumari. The learned Judge, Family Court, Nagercoil at Kanyakumari, 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 Civil Miscellaneous Petition is closed.

9.Registry is directed to communicate this order to the learned 4th Additional District Judge, Tirunelveli as well as to the learned Judge, Family Court, Nagercoil at Kanyakumari, for its necessary compliance and information, within a period of 10 days from today.

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

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To
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- 1.The 4th Additional District Judge, Tirunelveli.
- 2.The Judge, Family Court, Nagercoil at Kanyakumari.



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SHAMIM AHMED, J.

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