



TR.C.M.P.(MD)No.396 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.11.2025

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

TR.C.M.P.(MD)No.396 of 2023

and

C.M.P.(MD)No.8294 of 2023

B.Banurekha
D/o.Bose
No.B-71
New Housing Unit
Mannargudi
Thiruvarur 614 001

... Petitioner

vs.

T. Senthil
(Represented Power Agent Thangavel)
No.7A
East Udayar Street
Ponmalaipatti.

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure to withdraw the HMOP No.305 of 2023 pending on the file of the Family Court, Trichirappalli and transfer the same to Family Court, Mannaargudi.

For Petitioner :Mr.D.Anbarasu

For Respondent :No appearance



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ORDER

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This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in HMOP.No.305 of 2023, on the file of the Family Court, Trichirappalli and transfer the same to the file of Family Court, Mannaargudi.

2.Heard Mr.D.Anbarasu, learned counsel for the petitioner.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 30.04.2017, according to Hindu rites and customs. Out of their wedlock, they were blessed with a female child, aged about 6 years and due to matrimonial dispute arose between them, they are now living separately and the respondent/husband through his power of attorney has filed H.M.O.P.No.305 of 2023 before the Family Court, Trichirappalli, seeking restitution of conjugal rights. This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.305 of 2023, pending on the file of the Family Court, Trichirappalli and transfer the same to the file of Family Court, Mannaargudi.



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4.Mr.D.Anbarasu, learned counsel for the petitioner submits that being a lady, it is very difficult for the petitioner to travel more than 200 kms., approximately up and down along with her child from Mannaargudi to Trichirappalli, 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.305 of 2023 from the file of the Family Court, Trichirappalli to the file of Family Court, Mannaargudi.

5.When the matter came up for hearing on 22.10.2025, Mr.Dinesh, learned counsel representing Mr.M.Chandrabose, learned counsel for the respondent was not present before this Court. Thus, this Court, on 22.10.2025, had adjourned the matter to today, granting one last opportunity to the learned counsel for the respondent to argue the case. The order, dated 22.10.2025, passed in the present Transfer Civil Miscellaneous Petition is extracted herein below:-

“This Transfer Civil Miscellaneous Petition is filed to withdraw the case in HMOP.No.305 of 2023 on the file of the Family Court, Trichirappalli and transfer the same to the file of Family Court, Mannaargudi.



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2.Today, when the matter is being taken up, Mr.Dinesh, learned counsel representing Mr.M.Chandrabose, learned counsel for the respondent has not appeared before this Court.

3.Accordingly, one last opportunity is given to Mr.Dinesh, learned counsel representing Mr.M.Chandrabose, learned counsel for the respondent to argue the case.

4.Put up this case 'for final hearing' on 20.11.2025 before the appropriate Bench."

6.However, even today, when the case was taken up in the revised call, no one appeared for the respondent. Thus, it appears that the respondent as well as his counsel are not interested to pursue this Transfer Civil Miscellaneous Petition.

7.Accordingly, after considering the arguments as advanced by the learned counsel for the petitioner, considering the fact that the petitioner, being a lady, would be facing difficulty to travel about more than 200 kms approximately up and down to attend all the Court hearings before the Family Court, Tiruchirappalli, where the HMOP.No.305 of 2023 is pending and that she is also facing finance constraint to meet travel and incidental expenses and also considering the averments made in the



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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.305 of 2023, on the file of the Family Court, Trichirappalli, is hereby ordered to be withdrawn and transferred to the file of the Family Court, Mannaargudi. The learned Judge, Family Court, Mannaargudi, 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.

8.Registry is directed to communicate this order to the learned Judge, Family Court, Trichirappalli as well as to the learned Judge, Family Court, Mannaargudi, 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

1.The Judge, Family Court, Trichirappalli.

2.The Judge, Family Court, Mannaargudi.



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SHAMIM AHMED, J.

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