



WEB COPY

TR CMP(MD) NO. 36



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25-11-2025**

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

TR CMP(MD) No. 369 of 2025

and

CMP(MD) NO.10087 of 2025

Logeshwari
D/o. Gursusamy Sivaperumal
A-434
Urbanrise Jubilee Residences
Kayarambedu
Urapakkam
Chengalpattu 603 202.

Petitioner (s)

Vs

B.Suryaprakash
S/o. Baskaran
ATB Fig Farm
Santhanakaruppusamy Kovil Road
Bypass Road
Chinnalapatti
Athoor Taluk
Dindigul District.

Respondent(s)

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw HMOP No.455 of 2024 pending on the file of the Family Court, Dindigul and transfer the same to the file of the Family Court, Chengalpattu to be heard and disposed of according to law.

For Petitioner(s):

Mr.M.Karthikeyan



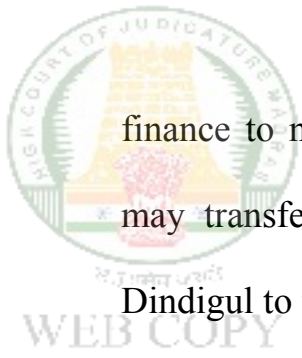
ORDER

This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the case in HMOP.No.455 of 2024 on the file of the Family Court, Dindigul, and transfer the same to the file of Family Court, Chengalpattu.

2.Heard Mr.M.Karthikeyan, learned counsel for the petitioner.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 24.05.2023, according to Hindu rites and customs. Due to matrimonial dispute arose between them, they are living separately and the petitioner/wife has filed a Domestic Violence Case against the respondent/husband in DVA.No.1 of 2024 before the Mahila Court at Chengalpattu and the respondent/husband has filed H.M.O.P.No.455 of 2024 before the Family Court, Dindigul, seeking restitution of conjugal rights. Seeking transfer of the above H.M.O.P.No.455 of 2024 from the file of Family Court, Dindigul, to the file of Family Court, Chengalpattu, the present Transfer Civil Miscellaneous Petition has been filed.

4.Mr.M.Karthikeyan, learned counsel for the petitioner submits that being a lady, it is very difficult for the petitioner to travel more than 650 kms., approximately up and down from Chengalpattu to Dindigul, 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.455 of 2024 from the file of the Family Court, Dindigul to the file of Family Court, Chengalpattu.

5.The Co-ordinate Bench of this Court, vide order dated 03.07.2025, had passed the following order:-

“Issue notice to the respondent through Court and post, returnable on 23.07.2025. Private notice is also permitted.

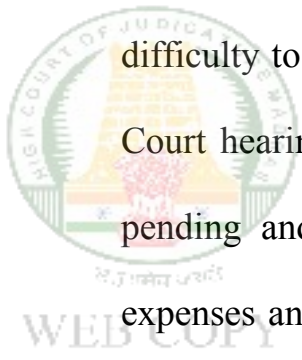
2.Batta in 3 working days. Failing which, the petition shall stand dismissed automatically without any further reference to Court. Once batta is paid, Registry is directed to issue process on the same day. Since this Court ordered notice through Court and Post, the petitioner is directed to pay batta of Rs.35/- each.

3.Affidavit of proof of service ought to be filed on or before 22.07.2025.

4.List this case on 23.07.2025. ”

6.As per Office report, dated 24.11.2025, notice sent through Court has been served on the respondent. Even though Court notice has been served upon the respondent, when the matter is being taken up today, neither the respondent nor any counsel representing the respondent appear before this Court to argue the case. Thus, it appears that the respondent is 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 650 kms approximately up and down to attend

Court hearings before the Family Court, Dindigul, where the HMOP.No.455 of 2024 is pending and that she is also facing finance constraint to meet travel and incidental

expenses 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.455 of 2024, pending on the file of the Family Court, Dindigul, is hereby ordered to be withdrawn and transferred to the file of the Family Court, Chengalpattu. The learned Judge, Family Court, Chengalpattu, 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.

8.Registry is directed to communicate this order to the learned Judge, Family Court, Dindigul, as well as to the learned Judge, Family Court, Chengalpattu, for its necessary compliance and information, within a period of 10 days from today.

Index :Yes / No **25.11.2025**

Internet :Yes / No

NCC :Yes / No

mm

To

1.The Judge, Family Court, Dindigul.

2.The Judge, Family Court, Chengalpattu.



WEB COPY



SHAMIM AHMED, J.

mm

TR CMP(MD) NO. 369 of 2025

25.11.2025