



TR.C.M.P.(MD)No.387 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.387 of 2025

and

C.M.P.(MD)No.10628 of 2025

Sudharshini,
W/o.Boominathan,
D/o.Chandrasekar,
Door No.10, Pon Nagar,
Back side to Vishnu Mahal,
Ashok Nagar Extension,
Pudukottai, Pudukkottai Taluk,
Pudukkottai District.

... Petitioner

vs.

Boominathan,
S/o. Mayalagu,
Door No.39, Sevvaipettai Village and Post,
Govinthamangalam,
Ramanathapuram Taluk and District.

Now residing at
No.59, Chidambaranathapuram East 2nd Street,
Devakottai Town and Taluk,
Sivagangai District.

... Respondent



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PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure to withdraw the case in H.M.O.P.No.109 of 2025 on the file of the Sub Court, Devakottai, Sivagangai District and transfer the same to the Principal Sub Court at Pudukkottai.

For Petitioner :Mr.D.Ramesh Kumar
For Respondent :Mr.J.Anand Kumar

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.109 of 2025 pending on the file of the Sub Court, Devakottai, Sivagangai District, and transfer the same to the file of Principal Sub Court at Pudukkottai.

2.Heard Mr.D.Ramesh Kumar, learned Counsel for the petitioner and Mr.J.Anand Kumar, learned Counsel for the respondent.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 23.05.2019. Due to matrimonial dispute arose between them, the Petitioner had left the matrimonial



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home. The Respondent/Husband had filed the above case in H.M.O.P.No.109 of 2025 before the Sub Court, Devakottai, Sivagangai District, against the Petitioner/Wife, for divorce on the ground of desertion and dereliction of duty as wife. But, according to the Petitioner/Wife, she left the matrimonial home due to torture by the Respondent/Husband and it is very difficult for her to travel all the way from Pudukottai to Sivagangai, for all the Court hearings and she do not have any finance to meet the travel and other incidental expenses and hence, this Transfer Civil Miscellaneous Petition has been filed.

4.The Co-ordinate Bench of this Court, vide order dated 28.07.2025, 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.



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3.Both the parties are directed to appear before the Mediation Centre on 01.08.2025. 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.”

5.After mediation, The Mediation and Conciliation Centre attached to this Bench had filed its report, dated 13.08.2025, which is already on record, and as per the mediation report, dated 13.08.2025, it is seen that the mediation completed and no agreement was reached between the parties.

6.Mr.D.Ramesh Kumar, learned Counsel for the petitioner submits that being a lady, it is very difficult for the petitioner to travel more than 120 kms., approximately up and down from Pudukottai to Sivagangai, 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



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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 H.M.O.P.No.109 of 2025 pending on the file of the Sub Court, Devakottai, Sivagangai District, to the file of Principal Sub Court at Pudukkottai.

7.Mr.J.Anand Kumar, learned Counsel for the respondent has made objections to the submissions made by the learned Counsel for the petitioner and to transfer the case filed by the respondent in H.M.O.P.No. 109 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 120 kms approximately up and down to attend all the Court hearings before



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the Sub Court, Devakottai, Sivagangai District, where, H.M.O.No.109 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 for. The case in H.M.O.No.109 of 2025, on the file of the Sub Court, Devakottai, Sivagangai District, is hereby ordered to be withdrawn and transferred to the file of the Principal Sub Court at Pudukkottai. The learned Principal Sub Judge, Pudukkottai, 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 Sub Judge, Devakottai, Sivagangai District, as well as to the learned Principal



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Sub Judge, Pudukkottai for its necessary compliance and information,
within a period of 10 days from today.

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

14.11.2025

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To

- 1.The Sub Judge, Devakottai, Sivagangai District.
- 2.The Principal Sub Judge, Pudukkottai.



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SHAMIM AHMED, J.

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