



TR.C.M.P.(MD)No.390 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.11.2025

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

TR.C.M.P.(MD)No.390 of 2025

and

C.M.P.(MD)No.10693 of 2025

Padmavathy
D/o. Venkatesan
No.2, Vaikankarai Street
Eral and Taluk
Tuticorin District.

... Petitioner

vs.

Rajin Bhagavathi
S/o. Thangaraj
No.12, Murugan Pathai Street
Vallioor
Rathapuram Taluk
Tirunelveli District.

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure to transfer the case in HMOP No.51 of 2025 pending on the file of the Sub Court, Vallioor, Thirunelveli District to the Sub Court, Srivaiguntam, Tuticorin District.

For Petitioner :Mr.P.Ganapathi Subramanian
For Respondent :Mr.K.Rajeshwaran



TR.C.M.P.(MD)No.390 of 2025

ORDER

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This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.51 of 2025 pending on the file of the Subordinate Court, Vallioor, Tirunelveli District, and transfer the same to the file of Sub Court, Srivaiguntam, Tuticorin District.

2.Heard Mr.P.Ganapathi Subramanian, learned counsel for the petitioner and Mr.K.Rajeshwaran, learned Counsel for the respondent.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 22.02.2019, according to Hindu rites and customs. Out of their wedlock, they were blessed with two children, namely, Sara and Saravanan, aged about 4 and 1 year respectively. Due to difference of opinion, the respondent/husband has filed H.M.O.P.No.51 of 2025 before the Sub-Court, Vallioor, Tirunelveli District, seeking divorce. Seeking transfer of the above H.M.O.P.No.51 of 2025 from the file of Sub-Court, Vallioor, Tirunelveli District to the file of Sub Court, Srivaiguntam, Tuticorin District, the present Transfer Civil Miscellaneous Petition has been filed.

2/7



TR.C.M.P.(MD)No.390 of 2025

4.Mr.P.Ganapathi Subramanian, learned counsel for the petitioner

submits that being a lady, it is very difficult for the petitioner to travel more than 180 kms., approximately up and down from Thoothukudi to Valliyoor, 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.51 of 2025 from the file of the Sub-Court, Valliyoor, Tirunelveli District to the file of Sub Court, Srivaiguntam, Tuticorin District.

5.The Co-ordinate Bench of this Court, vide order dated 08.08.2025, 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 22.08.2025. In the mean time, the Mediation Centre shall appoint a mediator in this case. The



TR.C.M.P.(MD)No.390 of 2025

Mediator is directed to submit a report on or before 19.09.2025.

4.Registry is directed to list the matter before this Court 22.09.2025, along with report.

5.Interim order already granted by this Court dated 10.07.2025 is extended until further orders. ”

6.After mediation, The Mediation and Conciliation Centre attached to this Bench had filed its report, dated 22.09.2025, which is already on record, and as per the mediation report, dated 22.09.2025, it is seen that the mediation failed and no agreement was reached between the parties.

7.Mr.K.Rajeshwaran, learned counsel for the respondent has made submissions, opposing to transfer the matrimonial case filed by the respondent in HMOP.No.51 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 matrimonial case filed by him, is now sought to be transferred by the petitioner.



TR.C.M.P.(MD)No.390 of 2025

WEB COPY

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 180 kms approximately up and down to attend all the Court hearings before the Sub-Court, Vallioor, Tirunelveli District, where the HMOP.No.51 of 2025 is pending and that she is also facing finance constraint to meet travel and incidental expenses and also considering the fact that though the matter was referred to the Mediation and Conciliation Centre attached to this Bench, the 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 matrimonial case in HMOP.No.51 of 2025, on the file of the Sub-Court, Vallioor, Tirunelveli District, is hereby ordered to be withdrawn and transferred to the file of the Sub Court, Srivaiguntam, Tuticorin District. The learned Subordinate Judge, Srivaiguntam, Tuticorin District, 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



TR.C.M.P.(MD)No.390 of 2025

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 Subordinate Judge, Vallioor, Tirunelveli District, as well as to the learned Subordinate Judge, Srivaiguntam, Tuticorin District, 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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10.11.2025

To

- 1.The Subordinate Judge, Vallioor, Thirunelveli District.
- 2.The Subordinate Judge, Srivaiguntam, Tuticorin District.
- 3.The Additional District Registrar,
Madurai Bench of Madras High Court, Madurai.

6/7



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TR.C.M.P.(MD)No.390 of 2025

SHAMIM AHMED, J.

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TR.C.M.P.(MD)No.390 of 2025

10.11.2025