



TR.C.M.P.(MD)No.407 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.407 of 2025  
and  
C.M.P.(MD)No.11157 of 2025

Padma,  
W/o.M.Marimuthu,  
D/o.Pandi,  
Door No.4, Mela Theru,  
Palayampatti, Aruppukottai Taluk,  
Virudhunagar District.

... Petitioner

VS.

M.Marimuthu,  
S/o.Mariappan,  
Door No.433, Indira Colony 4<sup>th</sup> Street,  
Manthithoppu Village,  
Kovilpatti Taluk, Thoothukudi District.

... Respondent

**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.18 of 2024 on the file of the Sub Court, Kovilpatti and to transfer the same to the Sub Court, Aruppukottai.

For Petitioner :Mr.V.Sasikumar  
For Respondent :No Appearance

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## **ORDER**

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.18 of 2024 pending on the file of the Sub Court, Kovilpatti and transfer the same to the file of Sub Court, Aruppukkottai.

2.Heard Mr.V.Sasi Kumar, learned Counsel for the petitioner.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 15.11.2013, according to Hindu Rites and Customs. Out of their wedlock, they were blessed with two children. Due to matrimonial dispute arose between them, the Respondent/Husband had filed the above case in H.M.O.P.No.18 of 2024 before the Sub Court, Kovilpatti, against the Petitioner/Wife, for divorce on the ground of desertion and dereliction of duty as wife. Seeking transfer of the above case in H.M.O.P.No.18 of 2024, the present Transfer Civil Miscellaneous Petition is filed.



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4.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 150 kms., approximately up and down from Aruppukottai to Kovilpatti, along with her children 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 H.M.O.P.No.18 of 2024 pending on the file of the Sub Court, Kovilpatti, to the file of Sub Court, Aruppukottai.

5.This Court, vide order, dated 18.07.2025, had passed the following order:-

*“Issue notice to the respondent through Court and post, returnable on 29.07.2025. 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 28.07.2025.*

*4.List this case on 29.07.2025.*

6.As per Office report, dated 13.11.2025, it is seen that notice has been served on the sole respondent. However, today, when the case was



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taken up in the revised call, neither the respondent nor any counsel representing the respondent appear before this Court. 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 150 kms approximately up and down along with her two children to attend all the Court hearings before the Sub Court, Kovilpatti, where, H.M.O.No. 18 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 case in H.M.O.No.18 of 2024, on the file of the Sub Court, Kovilpatti, is hereby ordered to be withdrawn and transferred to the file of the Sub Court, Aruppukottai. The learned Sub Judge, Aruppukottai, is directed not to give any adjournment to either of the parties unless there is any cogent reason or stay by any higher Court



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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 Sub Judge, Kovilpatti, as well as to the learned Sub Judge, Aruppukottai 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**

cmr

To

- 1.The Sub Judge, Kovilpatti.
- 2.The Sub Judge, Aruppukkottai.



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**SHAMIM AHMED, J.**

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