



TR.C.M.P.(MD)No.433 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.433 of 2025

and

C.M.P.(MD)No.11841 of 2025

Selva Shanthini
W/o. S.Pandia raj
No.53
Mangala Vinayaga Kovil Street
Kayalpatinam.

... Petitioner

vs.

S.Pandia Raj
S/o. S.Sridhar
No.23, Karikalan Street
M.G.R.Nagar
Chennai 78.

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure to withdraw the HMOP No.1495 of 2025 on the file of the 2nd Additional Family Court, Chennai, and transfer it to the Sub Court, Tiruchendur and try along with HMOP No.43 of 2025 on the file of the Sub Court, Tiruchendur.

For Petitioner :Mr.T.Selvan
For Respondent :No appearance



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ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in HMOP.No.1495 of 2025, on the file of the II Additional Family Court, Chennai and transfer the same to the file of Subordinate Court, Tiruchendur to be tried along with HMOP.No.43 of 2025 on the file of the Subordinate Court, Tiruchendur.

2.Heard Mr.T.Selvan, learned counsel for the petitioner.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 16.09.2015, according to Hindu rites and customs. Out of their wedlock, they were blessed with two children and due to matrimonial dispute arose between them, they are living separately. The respondent/husband has filed HMOP.No.1495 of 2025 before the II Additional Family Court, Chennai, seeking divorce and the petitioner/wife has also filed H.M.O.P. No.43 of 2025 before the Sub Court, Tiruchendur, seeking restitution of conjugal rights. Seeking transfer of the above H.M.O.P. No.1495 of 2025 from the file of II Additional Family Court, Chennai, to the file of Subordinate Court,



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Tiruchendur, the present Transfer Civil Miscellaneous Petition has been filed.

4.Mr.T.Selvan, learned counsel for the petitioner submits that being a lady, it is very difficult for the petitioner to travel more than 600 kms., approximately from Tiruchendur to Chennai, 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.1495 of 2025 from the file of the II Additional Family Court, Chennai to the file of Subordinate Court, Tiruchendur.

5.The Co-ordinate Bench of this Court, vide order dated 31.07.2025, had passed the following order:-

“Issue notice to the respondent through Court and post, returnable on 21.08.2025. 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.



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3.Affidavit of proof of service ought to be filed on or before 20.08.2025.

4.List this case on 21.08.2025.”

6.As per Office report, dated 07.11.2025, notice has been served on the sole respondent. However, today, when the case was 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 600 kms approximately to attend all the Court hearings before the II Additional Family Court, Chennai, where the HMOP.No.1495 of 2025 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.1495 of 2025, on the file of the II

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Additional Family Court, Chennai, is hereby ordered to be withdrawn and transferred to the file of the Subordinate Court, Tiruchendur. The learned Subordinate Judge, Tiruchendur, 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 Subordinate Judge, Tiruchendur, as well as to the learned Judge, II Additional Family Court, Chennai, 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 Judge, II Additional Family Court, Chennai.
- 2.The Subordinate Judge, Tiruchendur.

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SHAMIM AHMED, J.

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