



TR CMP(MD) NO. 470 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-10-2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

TR CMP(MD) NO. 470 of 2025

and

CMP(MD) No.13270 of 2025

Barani Suganya

D/o. Arumugam, Door No.4, Shanmugam Pillai Street,
Selvamarudhur, Thisaiyanvilai, Thiruchendur District.

Appellant(s)

Vs

P.Velkumar

S/o. Pulamadan Achari, No.3A/23G, Vinayagar Colony,
Udangudi, Thisaiyanvilai Road, Thiruchendur District.

Respondent(s)

Prayer:

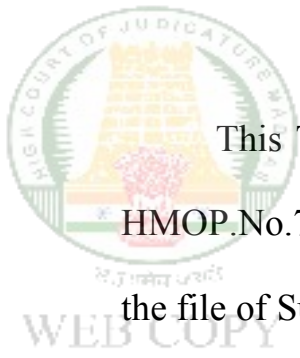
Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer the case in H.M.O.P.No. 7 of 2024 on the file of the Sub-Court, Thiruchendur to Sub-Court, Valliyoor, Tirunelveli District.

For Appellant(s):

Mr.N. Balasubramanian

For Respondent(s):

No appearance



ORDER



This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in HMOP.No.7 of 2024, on the file of the Sub Court, Tiruchendur and transfer the same to the file of Sub Court, Valliyoor, Tirunelveli District.

2.Heard Mr.N.Balasubramanian, learned counsel for the petitioner.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 14.09.2020, according to Hindu rites and customs. Due to matrimonial dispute arose between them, the petitioner had left the matrimonial home and she is also taking care of her parents, who are suffering from various ailments. The petitioner/wife has filed a Domestic Violence Petition in DVC.No.3 of 2025 before the Judicial Magistrate Court, Radhapuram, Tirunelveli District. The respondent/husband has also filed H.M.O.P. No.7 of 2024 before the Sub-Court, Tiruchendur, seeking divorce. Seeking transfer of the above H.M.O.P. No.7 of 2024 from the file of Sub-Court, Tiruchendur, to the file of Sub-Court, Valliyoor, Tirunelveli District, the present Transfer Civil Miscellaneous Petition has been filed.

4.Mr.N.Balasubramanian, learned counsel for the petitioner submits that being a lady, it is very difficult for the petitioner to travel more than 100 kms., up and down from Tirunelveli to Tiruchendur, 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 order the transfer of the case in HMOP.No.7 of 2024 from the file of the Sub Court, Tiruchendur to the file of Sub Court, Valliyoor, Tirunelveli District.

WEB COPY

5.The Co-ordinate Bench of this Court, vide order dated 14.08.2025, had passed the following order:-

“Issue notice to the respondent, returnable by 03.09.2025. Private notice is also permitted.

2.There shall be an order of interim stay until 03.09.2025.

3.Post the case on 03.09.2025. ”

6.As per Office report, dated 12.09.2025, notice has been served on the sole respondent. However, when the matter came up for hearing on 16.09.2025, neither the respondent nor any counsel representing the respondent appear before this Court. Thus, this Court, on 16.09.2025, had adjourned the matter to today, granting one last opportunity to the respondent to argue the case. The order, dated 16.09.2025, passed in the present Transfer Civil Miscellaneous Petition is extracted herein below:-

“The present Transfer Civil Miscellaneous Petition has been filed with the following prayer:

“to withdraw and transfer the case in H.M.O.P.No.7 of 2024 on the file of the Sub-Court, Thiruchendur to Sub-Court, Valliyoor Tirunelveli District.”

2.The Co-ordinate Bench of this Court, vide order, dated 14.08.2025, had passed the following order:



“Issue notice to the respondent returnable by 03.09.2025. Private notice also permitted.

2.The shall be an order of interim stay until 03.09.2025.

3.Post the case on 03.09.2025.”

WEB COPY

3.As per Office report, dated 12.09.2025, notice has been served on the sole respondent. However, when the matter is being taken up for hearing today, neither the respondent nor any Counsel representing the respondent appear before this Court today.

4.Accordingly, one last opportunity is given to the respondent to argue the case. In the meantime, the respondent is directed to file a counter affidavit within three weeks and one week time thereafter is allowed to the learned Counsel for the petitioner to file a rejoinder affidavit to the counter affidavit filed by the respondent.

5.Put up this case 'for orders' on 23.10.2025 before the appropriate Bench. Interim order already granted by the Co-ordinate Bench of this Court, vide order, dated 14.08.2025, is extended till the next date of hearing.”

7.However, even 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.

8.Accordingly, considering the arguments as advanced by the learned counsel for the petitioner 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.7 of 20 ;
file of the Sub Court, Tiruchendur, is hereby ordered to be withdrawn and transferred to
the file of the Sub Court, Valliyoor, Tirunelveli District. The Sub Court, Valliyoor,
Tirunelveli 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 decide the case, on merits and
in accordance with law, expeditiously. No costs. Consequently, connected Civil
Miscellaneous Petition is closed.

Index :Yes / No
Internet :Yes / No

23.10.2025

mm

To

- 1.The Subordinate Judge, Thiruchendur.
- 2.The Subordinate Judge, Valliyoor, Tirunelveli District.



WEB COPY



SHAMIM A

mm

TR CMP(MD) No. 470 of 2025

23.10.2025