



TR.C.M.P.(MD)No.437 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.437 of 2025
and
C.M.P.(MD)No.12053 of 2025

P.Nithya,
D/o.Puthiya Vinayagam,
No.20/1, Kavadi Subbaiaha Pillai Street,
Mamsapuram, Srivilliputhur Taluk,
Virudhunagar District.

... Petitioner

vs.

V.Manoj Kannan,
S/o.Velusamy,
Karpagam Illam, Kumaran Nagar,
Poththanur (Post), Paramathivelur Taluk,
Namakkal District.

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure to withdraw H.M.O.P.No.24 of 2025 on the file of the Sub Court, Paramathi and transfer the same to the Family Court, Sirivilliputhur for trial along with H.M.O.P.No.87 of 2025.

For Petitioner :Mr.B.Rajesh Saravanan
For Respondent :No Appearance



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ORDER

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This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in HMOP.No.24 of 2025, on the file of the Sub Court, Paramathi, Paramathi and transfer the same to the file of Family Court, Srivilliputhur for trial along with HMOP.No.87 of 2025.

2.Heard Mr.B.Rajesh Saravanan, learned counsel for the petitioner.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 24.08.2020, according to Hindu rites and customs. Out of their wedlock, they were blessed with a baby girl, namely, Piranika, aged about 4 years. Due to matrimonial dispute arose between them, the petitioner/wife has filed HMOP.No.87 of 2025 before the Family Court, Srivilliputhur, seeking divorce and the respondent/husband has filed HMOP.No.24 of 2025 before the Sub Court, Paramathi, seeking restitution of conjugal rights. Seeking transfer of the above H.M.O.P. No.24 of 2025 from the file of Sub Court, Paramathi, to the file of Family Court, Srivilliputhur, the present Transfer Civil Miscellaneous Petition has been filed.



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4.Mr.B.Rajesh Saravanan, learned counsel for the petitioner submits that being a lady, it is very difficult for the petitioner to travel more than 450 kms., approximately up and down from Srivilliputhur to Paramathi, 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.24 of 2025 from the file of the Sub Court, Paramathi, to the file of Family Court, Srivilliputhur.

5.The Co-ordinate Bench of this Court, vide order dated 01.08.2025, had passed the following order:-

“Issue notice to the respondent through Court and post, returnable on 20.08.2025. 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.

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



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before 19.08.2025.

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4.List this case on 20.08.2025. ”

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 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 450 kms approximately up and down to attend all the Court hearings before the Sub Court, Paramathi, where the HMOP.No.24 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



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matrimonial case in HMOP.No.24 of 2025, on the file of the Sub Court, Paramathi, is hereby ordered to be withdrawn and transferred to the file of the Family Court, Srivilliputhur. The learned Judge, Family Court, Srivilliputhur, 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 Judge, Family Court, Srivilliputhur, as well as to the learned Subordinate Judge, Paramathi, 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, Paramathi.
- 2.The Judge, Family Court, Sirivilliputhur.



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SHAMIM AHMED, J.

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