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TR.C.M.P(MD)No.469 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2025

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THE HONOURABLE MR.JUSTICE SHAMIM AHMED

TR.C.M.P(MD)No.469 of 2025

and

C.M.P.(MD)No.13225 of 2025

M.Humaira Hathoon,
D/o.S.Mohamed Sathik,
Door No.G-1, Kayethe Millath Nagar,
Vadakarai, Periyakulam, Theni District.

Petitioner(s)

Vs

S.Faizal Rehman,
S/o.Salim Badhusa,
Door No.47, P.M.Thevar Nagar, Near Jeeva Nagar,
Jaihindpuram, Madurai.

Respondent(s)

Prayer: Transfer Civil Miscellaneous Appeal filed under Section 24 of Civil Procedure Code, to withdraw and Transfer the suit made in O.S.No.36 of 2025 on the file of the Family Court, Madurai to Family Court, Theni.

For Petitioner :Mr.P.R.Prithiviraj

For Respondent : No appearance



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ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in OS.No.36 of 2025, on the file of the Family Court, Madurai and transfer the same to the file of Family Court, Theni.

2.Heard Mr.P.R.Prithiviraj, learned counsel for the petitioner.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 14.01.2018, according to Muslim Rites and customs. Out of their wedlock, they were blessed with two children, namely, F.Mohamed Mafaazur Rahman and F.Mohamed Ifaaz and due to matrimonial dispute arose between them, the respondent/husband has filed OS.No.36 of 2025 before the Family Court, Madurai, seeking divorce. This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in OS.No.36 of 2025, pending on the file of the Family Court, Madurai and transfer the same to the file of Family Court, Theni.



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4.Mr.P.R.Prithiviraj, learned counsel for the petitioner submits that being a lady, it is very difficult for the petitioner to travel more than 240 kms., approximately up and down along with her children from Theni to Madurai, 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 OS.No. 36 of 2025 from the file of the Family Court, Madurai to the file of Family Court, Theni.

5.When the matter came up for hearing on 22.10.2025, Mr.R.Saravanan, learned counsel for the respondent was not present before this Court. Thus, this Court, on 22.10.2025, had adjourned the matter to today, granting one last opportunity to the learned counsel for the respondent to argue the case. The order, dated 22.10.2025, 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 the suit in O.S.No.36 of 2025 on the file of the Family Court, Madurai and to transfer the same to the file of Family Court, Theni.”



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2. This Court, on 16.09.2025 had already granted time to the learned counsel for the respondent to file a counter affidavit on behalf of the respondent and to the learned counsel for the petitioner to file a rejoinder affidavit to the counter affidavit filed by the respondent. However, today, when the matter is being taken up, Mr.R.Saravanan, learned counsel for the respondent has not appeared before this Court and no counter affidavit is also filed for the respondent.

3. Accordingly, one last opportunity is given to Mr.R.Saravanan, learned counsel for the respondent to argue the case. The learned counsel for the respondent is directed to file a counter affidavit within 10 days 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.

4. Put up this case 'for final hearing' on 25.11.2025 before the appropriate Bench. Interim order already granted by the Co-ordinate Bench of this Court, vide order, dated 14.08.2025, which is extended from time to time, is extended till the next date of hearing.”

6. However, even today, when the matter is being taken up, no one appeared for the respondent. Thus, it appears that the respondent as well as his counsel are not interested to pursue this Transfer Civil Miscellaneous Petition.



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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 240 kms approximately up and down to attend all the Court hearings before the Family Court, Madurai, where the OS.No.36 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 OS.No.36 of 2025, on the file of the Family Court, Madurai, is hereby ordered to be withdrawn and transferred to the file of the Family Court, Theni. The learned Judge, Family Court, Theni, 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.



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8. Registry is directed to communicate this order to the learned Judge, Family Court, Madurai as well as to the learned Judge, Family Court, Theni, for its necessary compliance and information, within a period of 10 days from today.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

25.11.2025

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To

- 1.The Judge, Family Court, Madurai.
- 2.The Judge, Family Court, Theni.



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SHAMIM AHMED, J.

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