



TR.C.M.P.(MD)No.494 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.10.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

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S.Vigomigha,
W/o.Vignesh,
D/o.Singaram,
Door No.I /16, Housing Unit
Kollampalayam, Erode - 638 002.

... Petitioner

VS.

D.Vignesh,
S/o.Duraimani,
Door No.24/2, Selvavinayakar Nagar,
Andhrapatti Road, Near New Bus Stand,
Musiri, Musiri Taluk, Trichy District.

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure to withdraw the H.M.O.P.No.62 of 2025 on the file of the Sub Court, Musiri and to transfer the same to the file of the Family Court, Erode for trial.

For Petitioner	:Mr.R.Ganesh
For Respondent	:Mr.Praveen Kumar for Mr.N.Anandakumar



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ORDER

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

"to withdraw the case in H.M.O.P.No.62 of 2025 on the file of the Subordinate Court, Musiri, and transfer the same to the file of Family Court, Erode."

2.Heard Mr.R.Ganesh, learned counsel for the petitioner and Mr.Praveen Kumar, learned counsel representing Mr.N.Anand Kumar, learned Counsel for the respondent.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 27.01.2021, according to Hindu rites and customs. Due to matrimonial dispute arose between them, the petitioner had left the matrimonial home. The respondent/husband has filed H.M.O.P.No.62 of 2025 before the Sub-Court, Musiri, seeking divorce on the ground of desertion and dereliction of duty as wife. Seeking transfer of the above H.M.O.P.No.62 of 2025 from the file of



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Sub-Court, Musiri, to the file of Family Court, Erode, the present Transfer Civil Miscellaneous Petition has been filed.

4.Mr.R.Ganesh, learned counsel for the petitioner submits that being a lady, it is very difficult for the petitioner to travel more than 200 kms., up and down from Erode to Musiri, 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.62 of 2025 from the file of the Sub-Court, Musiri to the file of Family Court, Erode.

5.This Court, vide order, dated 12.09.2025, had passed the following order:

“Mr.N.Anand Kumar, learned Counsel appearing for the respondent, prays three weeks time to file a counter affidavit on behalf of the respondent.

2.Accordingly, considering the request made by the learned Counsel for the respondent, three weeks and no more time is granted to file a counter affidavit and thereafter, one week time is granted to the learned Counsel



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for the petitioner to file a rejoinder affidavit to the counter affidavit filed by the respondent.

3.Put up this case 'for orders' on 28.10.2025 before the appropriate Bench."

6.Despite this Court granting sufficient opportunity to the learned counsel for the respondent to file a counter affidavit, he has not filed the same. However, he has made submissions, objecting to transfer the case in HMOP.No.62 of 2025 from the file of the Sub-Court, Musiri, to the file of Family Court, Erode.

7.Accordingly, after considering the arguments as advanced by the learned counsel for the parties, considering the fact that the petitioner, being a lady, would be facing difficulty to travel about more than 200 kms to attend all the Court hearings before the Sub-Court, Musiri, where the HMOP.No.62 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



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is **allowed**, as prayed for. The matrimonial case in HMOP.No.62 of 2025, on the file of the Sub-Court, Musiri, is hereby ordered to be withdrawn and transferred to the file of the Family Court, Erode. The learned Judge, Family Court, Erode, 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.

8.Registry is directed to communicate this order to the learned Subordinate Judge, Musiri, as well as to the learned Judge, Family Court, Erode, 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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To

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- 1.The Sub Judge, Musiri.
- 2.The Judge, Family Court, Erode.



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SHAMIM AHMED, J.

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