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TR CMP(MD) NO. 48



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05-11-2025**

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

TR CMP(MD) NO. 487 of 2025

and

CMP(MD) No.13722 of 2025

Kanthaveni
W/o. Ponmanikandan
D/o. Vellaisamy
Door No. 1/353
Durga Nagar
Kurivikulam Village
Thiruvengadam Taluk
Tenkasi District.

Appellant(s)

Vs

P.Ponmanikandan
S/o. Ponnusamy
Door No.2/156-A, West Street
Thulukankurichi Village
Guganparai Post
Vembakkottai Taluk
Virudhunagar District.

Respondent(s)

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No. 116 of 2024 on the file of the Subordinate Court, Sattur and transfer the same to the file of Subordinate Court, Sankarankovil to be tried along with H.M.O.P. No. 89 of 2025 on the file of the Subordinate court, Sankarankovil.



For Appellant(s):

Mr.R.J.Karthick

For Respondent(s):

No appearance



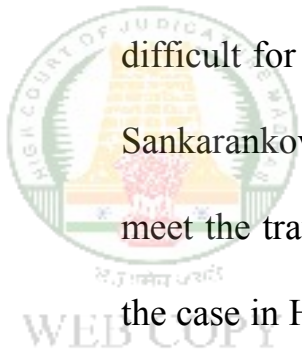
ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in HMOP.No.116 of 2024, on the file of the Subordinate Court, Sattur and transfer the same to the file of Subordinate Court, Sankarankovil to be tried along with HMOP.No.89 of 2025 on the file of the Subordinate Court, Sankarankovil.

2.Heard Mr.R.J.Karthick, learned counsel for the petitioner.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 12.02.2016, according to Hindu rites and customs and out of their wedlock, they were blessed with two children, namely, Pongugasri and Senthurkumaran. Due to matrimonial dispute arose between them, the petitioner/wife has filed HMOP.No.89 of 2025 before the Subordinate Court, Sankarankovil, seeking divorce and the respondent/husband has also filed H.M.O.P. No.116 of 2024 before the Subordinate Court, Sattur, seeking restitution of conjugal rights. Seeking transfer of the above H.M.O.P. No. 116 of 2024 from the file of Subordinate Court, Sattur, to the file of Subordinate Court, Sankarankovil, the present Transfer Civil Miscellaneous Petition has been filed.

4.Mr.R.J.Karthick, learned counsel for the petitioner submits that being a lady, it is very



difficult for the petitioner to travel more than 120 kms., approximately up and down to attend all the Court hearings before the Subordinate Court, Sattur, where the HMOP.No.116 of 2024 is pending and that she is also facing finance constraint to meet travel and incidental expenses. Thus, he prays that this Court may transfer the case in HMOP.No.116 of 2024 from the file of the Subordinate Court, Sattur to the file of Subordinate Court, Sankarankovil.

5.The Co-ordinate Bench of this Court, vide order dated 20.08.2025, had passed the following order:-

“Notice. Private notice is also permitted.

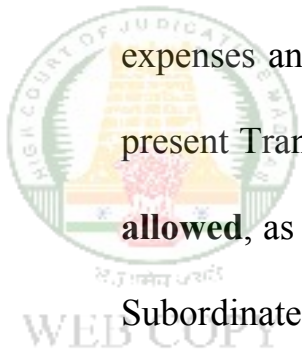
2.There shall be an order of interim stay until 18.09.2025.

3.Post the case on 18.09.2025. ”

6.As per Office report, dated 31.10.2025, notice has been served on the sole respondent. However, today, when the matter is being taken up, 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 120 kms approximately up and down to attend

all the Court hearings before the Subordinate Court, Sattur, where the HMOP.No.116 of 2024 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.116 of 2024, on the file of the Subordinate Court, Sattur, is hereby ordered to be withdrawn and transferred to the file of the Subordinate Court, Sankarankovil. The learned Subordinate Judge, Sankarankovil, 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.

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

Index :Yes / No **05.11.2025**

Internet :Yes / No

NCC :Yes / No

To

- 1.The Subordinate Judge, Sattur.
- 2.The Subordinate Judge, Sankarankovil
- 3.The Additional Registrar General,
Madurai Bench of Madras High Court, Madurai.



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SHAMIM A



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