



TR.C.M.P.(MD)No.560 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.11.2025

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

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and

C.M.P.(MD)No.12828 of 2023

Lobika
D/o. Gunasekaran
No. 49
Velusampuram 1st Cross Street
Andan Kovil Street
Karur Town and Taluk
Karur District.

... Petitioner

vs.

S.Chandru
S/o. Sanmugam
Door No. 10B
Muthukumar Nagar
Vellakovil
Kangeyam Taluk
Tiruppur District.

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure to withdraw the case in H.M.O.P. No. 105/2022 on the file of the Sub-Court, Kangeyam, Tiruppur District and transfer the same to the Family Court, Karur, Karur District.



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For Petitioner :Mr.M.Jothi Basu
For Respondent :No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in HMOP.No.105 of 2022 pending on the file of the Sub Court, Kangeyam, Tiruppur District and transfer the same to the file of Family Court, Karur, Karur District.

2.Heard Mr.M.Jothi Basu, learned counsel for the petitioner.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 05.04.2022, according to Hindu rites and customs. Due to matrimonial dispute arose between them, they are living separately and the respondent/husband has filed H.M.O.P.No.105 of 2022 before the Sub Court, Kangeyam, Tiruppur District, seeking restitution of conjugal rights. Seeking transfer of above H.M.O.P.No.105 of 2022 from the file of Sub Court, Kangeyam, Tiruppur District to the file of Family Court, Karur, Karur District, the present Transfer Civil Miscellaneous Petition has been filed.

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4.Mr.M.Jothi Basu, 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 from Karur, to Kangeyam, Tiruppur District, 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.105 of 2022 from the file of the Sub Court, Kangeyam, Tiruppur District to the file of Family Court, Karur, Karur District.

5.This Court, vide order dated 08.10.2025, had passed the following order:-

“This case is listed today before this Court for rehearing, as per the order, dated 15.09.2025, of the Honourable The Chief Justice of this Court.

2. Mr.M.Jothi Basu, the learned counsel for the Petitioner and Mr.A.Mohamed Arif, the learned counsel for the Respondent submit that they may be given some time to prepare the case.

3. The learned counsel for the Respondent prays for three weeks time to file counter affidavit on behalf of the Respondent.

4. Accordingly, three weeks and no more time is granted to the learned counsel for the Respondent to file counter affidavit on behalf of the Respondent and thereafter, one week time is granted to



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the learned counsel for the Petitioner to file rejoinder affidavit to the counter affidavit filed by the Respondent.

5. The learned counsel for the Petitioner is also directed to file the current status of the case pending before the Trial Court on the next date fixed.

6. Put up this case 'For Orders' on 12.11.2025 before the appropriate Bench. ”

6.Today, when the case was taken up in the revised call, the learned counsel for the respondent is not present before this Court and no counter affidavit has also been filed. Thus, it appears that the learned counsel for 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 Sub-Court, Kangeyam, Tiruppur District, where the HMOP.No.105 of 2022 is pending and that she is also facing finance constraint to meet travel and incidental expenses and also considering the averments made



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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.105 of 2022, on the file of the Sub-Court, Kangeyam, Tiruppur District is hereby ordered to be withdrawn and transferred to the file of the Family Court, Karur, Karur District. The learned Judge, Family Court, Karur, Karur 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, if the same is not already decided, on merits and in accordance with law, expeditiously. No costs. Consequently, connected Miscellaneous Petition is closed.

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

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

12.11.2025



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To

1.The Subordinate Judge, Kangeyam, Tiruppur District.

2.The Judge, Family Court, Karur, Karur District.



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SHAMIM AHMED, J.

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