



TR.C.M.P.(MD)No.631 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.11.2025

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THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

TR.C.M.P.(MD)No.631 of 2023

and

C.M.P.(MD)No.14075 of 2023

M.Priyadharshini,
W/o. Manoj Kumar,
D/o.Murali,
Door No.31A, Solai Chokkalingam Nagar,
R.I.Office Street, Bodinayakkanur,
Bodinayakkanur Taluk,
Theni District.

... Petitioner

vs.

M.Manoj Kumar,
S/o.C.S.Murugesan,
53/9, Bharathidasan Street,
Kombai Town, Uthamapalayam Taluk,
Theni 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.70 of 2023 pending on the file of Sub Court, Uthamapalayam and to transfer the same to the file of Family Court, Theni and tried along with G.W.O.P. No.24 of 2023 on the file of Family Court, Theni for disposal of the same on merits in accordance with law.



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For Petitioner :Ms.Afrin Fathima
for M/s.Ajmal Associates
For Respondents :Mr.Ahmed Zuber

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in HMOP.70 of 2023 pending on the file of the Sub Court, Uthamapalayam and transfer the same to the file of Family Court, Theni, to be tried along with GWOP.No.24 of 2023 on the file of the Family Court, Theni, for disposal of the same.

2.Heard Ms.Affrin Fathima, learned counsel for M/S.Ajmal Associates appearing for the petitioner and Mr.Ahmed Zuber, learned counsel for the respondent.

3.Ms.Affrin Fathima, learned counsel for M/S.Ajmal Associates appearing for the petitioner and Mr.Ahmed Zuber, learned counsel for the respondent submit that the matter has already been settled between the parties, as the dispute is purely matrimonial in nature, being between the husband and wife. Thus, they submit that the relief sought for by the petitioner has now become infructuous and there is no cause of action



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also exists in the present Transfer Civil Miscellaneous Petition and prays
this Court that suitable orders may be passed, accordingly.

4. Accordingly, in view of the arguments as advanced by the learned counsel for the parties and also considering the fact that the matter has already been settled between the parties, this Court is of the view that no useful purpose will be served in continuing with the present Transfer Civil Miscellaneous Petition, as there is no cause of action exists in the present Transfer Civil Miscellaneous Petition and the relief sought for by the petitioner has now become infructuous.

5. Accordingly, this Transfer Civil Miscellaneous Petition is dismissed as having become infructuous. Interim order, if any, shall stand vacated and the file is consigned to record. No costs. Consequently, connected Miscellaneous Petition is closed.

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

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To

- 1.The Subordinate Judge, Uthamapalayam.
- 2.The Judge, Family Court, Theni.



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SHAMIM AHMED, J.

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