



TR CMP(MD) NO. 723 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04-11-2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

TR CMP(MD) NO. 723 of 2023

and

CMP(MD) No.16164 of 2023

M.Shalini

W/o. R.Vigneswaran, D/o. Meenakshi Sundaram, 1/58,  
Markandaiyar Kovil Street, Chinthamani, Madurai 9,  
Madurai District.

Appellant(s)

Vs

Vigneswaran

S/o. Ramadass, No.10, Vignesh Illam, 5th Main Road, Vayalur Road,  
Srinivasa Nagar, Tiruchirappalli 620 017.

Respondent(s)

**Prayer:**

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer the HMOP No.515/2023 on the file of the Family Court, Trichy to the Honourable Family Court, Madurai.

**For Appellant(s):**

Mr.M.Suresh

**For Respondent(s):**

No appearance



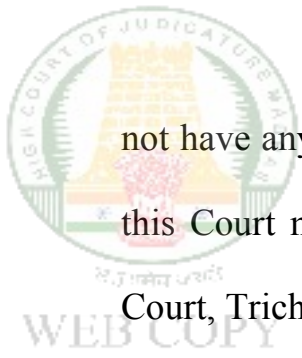
## ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in HMOP.No.515 of 2023, on the file of the Family Court, Trichy and transfer the same to the file of Family Court, Madurai.

2.Heard Mr.M.Suresh, learned counsel for the petitioner.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 03.03.2021, according to Hindu rites and customs. Out of their wedlock, they were blessed with a male child, namely, Heman and due to matrimonial dispute arose between them, they are now living separately. The respondent/husband has filed H.M.O.P.No.515 of 2023 before the Family Court, Trichy, seeking divorce and the petitioner/wife has filed HMOP.No.1413 of 2023, seeking restitution of conjugal rights and also filed MC.No.211 of 2023 seeking maintenance before the Family Court, Madurai. This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.515 of 2023, pending on the file of the Family Court, Trichy and transfer the same to the file of Family Court, Madurai.

4.Mr.M.Suresh, learned counsel for the petitioner submits that being a lady, it is very difficult for the petitioner to travel more than 250 kms., approximately up and down along with her child from Madurai to Trichy, 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.515 of 2023 from the file of the Family Court, Trichy to the file of Family Court, Madurai.

5. When the matter came up for hearing on 13.10.2025, Mr.S.Ramanathan, learned counsel for the respondent was not present before this Court. Thus, this Court, on 13.10.2025, had adjourned the matter to today, granting one last opportunity to the learned counsel for the respondent to argue the case. The order, dated 13.10.2025, passed in the present Transfer Civil Miscellaneous Petition is extracted herein below:-

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

*2.Mr.M.Suresh, learned counsel for the petitioner submits that the matter has been listed after a lapse of nearly a year and hence, the learned counsel prays for an adjournment to get instructions from the petitioner in this matter.*

*3.Today, when the matter is being taken up, Mr.S.Ramanathan, learned counsel for the respondent is not present before this Court.*

*4.Accordingly, one last opportunity is given to Mr.S.Ramanathan, learned counsel for the respondent to argue the case. In the meantime, the learned counsel for the respondent is directed to file a counter affidavit within two weeks 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.*

*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 04.11.2025 before the appropriate Bench. Since in this case the Coordinate Bench of this Court had already granted an order of interim stay of all further proceedings in HMOP.No.515 of 2023 on the file of the Family Court, Trichy, the said interim order of stay shall remain extended till the date of next hearing."*

6.However, even today, when the case was taken up in the revised call, no one appeared for the respondent. Thus, it appears that the respondent is not interested to pursue this Transfer Civil Miscellaneous Petition.

7.Accordingly, considering the arguments as advanced by the learned counsel for the petitioner 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.515 of 2023, on the file of the Family Court, Trichy, is hereby ordered to be withdrawn and transferred to the file of the Family Court, Madurai. The learned Judge, Family Court, Madurai, 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 Judge, Family Court, Trichy as well as to the learned Judge, Family Court, Madurai, for its necessary compliance and information, within a period of 10 days from today.

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

**04.11.2025**

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To

- 1.The Judge, Family Court, Trichy.
- 2.The Judge, Family Court, Madurai.
- 3.The Additional Registrar General,  
Madurai Bench of Madras High Court,  
Madurai.



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**SHAMIM A**

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04.11.2025