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Tr.C.M.P.No. 45 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED:23.01.2026

CORAM:

THE HONOURABLE DR.JUSTICE A.D. MARIA CLETE

**Tr.C.M.P. No.45 of 2025**

and

**C.M.P. No.911 of 2025**

P. Sangeetha

D/o. Perumal, W/o. Ramachandran,

4/296, A90, Sundakadu, Kaliyanur,

Namakkal – 638 008.

... Petitioner

-versus-

P. Ramachandran

S/o. Perumal, D.No.70G, Andigounder Nagar,

Sevathampatti Village, Marandahalli Town,

Palacode Taluk, Dharmapuri District.

... Respondent

**Prayer in Tr.C.M.P. No.45 of 2025**

Petition filed under Section 24 of the Code of Civil Procedure seeking withdrawal of H.M.O.P. No.30 of 2023 from the file of the Learned Subordinate Court, Palacode and transfer of the same to the file of the Learned Subordinate Court, Thiruchengode.

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**Prayer in C.M.P. No. 911 of 2025**

Petition to stay all further proceedings in H.M.O.P. No.30 of 2023 on the file of the Subordinate Court, Palacode, pending disposal of the above transfer petition.

For Petitioner : Mr.C.S.Saravanan

For Respondent :Mr.S.Natarajan

**ORDER**

1. Heard.
2. This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife seeking transfer of H.M.O.P. No.30 of 2023, filed by the respondent/husband for restitution of conjugal rights, from the file of the Learned Subordinate Court, Palacode, to the file of the Learned Subordinate Court, Thiruchengode.
3. The petitioner contends that she is residing at Thiruchengode and therefore seeks transfer on the ground of convenience.



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4. Per contra, the learned counsel appearing for the respondent submits that the petitioner was set ex parte by the trial Court on 31.01.2025. It is further submitted that though the present Transfer Civil Miscellaneous Petition was filed on 10.01.2025, the petitioner failed to appear before the trial Court thereafter and consequently suffered an order of being set ex parte.

5. It is also brought to the notice of this Court that no petition has been filed by the petitioner before the trial Court to set aside the ex parte order or decree.

6. This Court has carefully considered the submissions. The relief of transfer under Section 24 CPC is discretionary in nature. A party who has already been set ex parte before the trial Court, without taking steps to set aside the same, cannot invoke the discretionary jurisdiction of this Court to stall or derail the proceedings indirectly by seeking transfer.

7. When the petitioner has an efficacious remedy before the trial Court to move an application for setting aside the ex parte order and has not chosen to avail the same, this Court is of the considered view that the present Transfer Civil Miscellaneous Petition is not maintainable at this stage. In such



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circumstances, this Court finds no merit in the Transfer Civil Miscellaneous  
Petition.

8. Accordingly, Tr.C.M.P. No.45 of 2025 is dismissed. Consequently, the  
connected C.M.P. No. 911 of 2025 is closed. There shall be no order as to  
costs.

**23.01.2026**

*mfa*

To

1. Subordinate Court, Palacode
2. Subordinate Court, Thiruchengode



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**DR. A.D. MARIA CLETE, J**

*mfa*

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and  
C.M.P. No.911 of 2025**

**23.01.2026**