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TR CMP No. 1402 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 1402 of 2025

A.Manickavelu

..Petitioner

Vs

K.Bhuvaneswari

..Respondent(s)

Prayer: Petition filed under section 24 of CPC to withdraw the MOP 378/2017 pending on the file of Family court Puducherry and transfer the same to any one of the courts in the adjacent districts of Villupuram and Cuddalore.

For Petitioner:

Mr.N.Suresh

For Respondent:

Mr.E.V.Chandru

ORDER

Heard.

2. The Transfer Civil Miscellaneous Petition has been filed to withdraw M.O.P.No.378 of 2017 pending on the file of the Family Court, Puducherry and transfer the same to one of the Courts in the districts of Villupuram and Cuddalore.



3. The learned counsel appearing for the petitioner submitted that the petitioner is the husband and the respondent is the wife. The petitioner has filed the above said MOP. before the Family Court, Puducherry seeking dissolution of marriage.

4. The learned counsel further submitted that though the above said M.O.P. is of the year 2017, the matter has not been disposed of till date. It is stated that earlier the respondent/wife filed a Transfer Petition in 143/201 Tr.C.M.P.No 143/2017, pursuant to which the case was transferred to the Family Court, Puducherry. Thereafter, this Court, in CR.P.No. 1866 of 2023, directed the Family Court, Puducherry to dispose of the matter within a time frame. However, it is alleged that the matter is still pending and that there is no regular Presiding Officer in the Family Court, Puducherry and the Court is being taken up only by an in-charge Judge for limited days.

5. The learned counsel appearing for the respondent submitted that the respondent has no objection for disposal of the matter at the earliest, but opposed the transfer at this stage and submitted that in fact the Presiding Officer of the POCSO Court at Puducherry is also attending to the Family Court during the afternoon sessions.



6. This Court has considered the submissions made on either side and perused the materials available on record.

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7. It is true that the matrimonial proceedings have remained pending for long and this Court had earlier directed expeditious disposal in C.R.P.No.1866 of 2023. It is also stated that there has been no regular Presiding Officer for some time and that matters are being taken up on limited time.

8. However, a petition under Section 24 CPC is not intended to operate as a substitute for securing compliance with a subsisting time-bound disposal direction already issued by this Court. Where this Court has already issued a direction to conclude the proceedings within a specified time, the appropriate course is to pursue compliance of such direction before the Court concerned, rather than to seek a change of forum on the ground of delay.

9. The grievance projected by the petitioner pertains essentially to pendency and administrative circumstances. Such factors, by themselves, cannot automatically warrant transfer, particularly when the matter has already been subjected to an earlier transfer at the instance of the respondent. At this stage, shifting the proceedings to another forum may itself result in further procedural delay owing to transmission of records and fresh posting.



10. This Court is therefore of the view that the ends of administration of justice would be better served by reinforcing the earlier direction for expeditious disposal, rather than ordering transfer. The earlier direction of this Court in C.R.P.No.1866 of 2023 dated 21.06.2023 for expeditious disposal has not culminated in disposal thus far, and the Court below shall accord priority and comply with the same without further delay.

11. Accordingly, this Transfer Civil Miscellaneous Petition stands dismissed. However, the Family Court, Puducherry is directed to take up M.O.P.No.378 of 2017 periodically, as far as practicable, and dispose of the same within a period of six months from the date of receipt of a copy of this order. On such disposal, the Family Court, Puducherry shall forward a disposal report to the Registry of this Court, and the Registry shall place the same before this Court as and when required. Both parties shall extend their full cooperation for early disposal and shall not seek unnecessary adjournments. There shall be no order as to costs.

04-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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TR CMP No. 1402 of 2



To:

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The Family court Puducherry



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TR CMP No. 1402 of 2



DR.A.D.MARIA CLETE J.

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