



Tr.C.M.P.(MD)No.33 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2026

CORAM :

THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

Tr.C.M.P.(MD)No.33 of 2026

and

C.M.P.(MD)No.598 of 2026

S.Revathi
through her Power Agent
S.Amutha

.. Petitioner

Vs.

A.Dhamodharakannan

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.247 of 2019 from the file of Subordinate Court, Kovilpatti and transfer the same to the file of Family Court, Theni and pass any such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.M.Kannan

For Respondent : Mr.A.R.Kannappan



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ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.247 of 2019 from the file of Subordinate Court, Kovilpatti and transfer the same to the file of Family Court, Theni.

2. Heard Mr.M.Kannan, learned Counsel for Petitioner, M/s.A.R.Kannapan, learned Counsel for respondent and carefully perused the materials available on record.

3. The marriage between petitioner and respondent was solemnized on 09.04.2017 at Kovilpatti as per Hindu rites and customs. Out of wedlock, one female child was born. Due to differences, parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.247 of 2019 for divorce before the Sub Court, Kovilpatti. The petitioner has also filed a petition under the Protection of Women from Domestic Violence Act, 2005 in D.V.No.22 of 2025 before the Additional Mahila Court cum Judicial Magistrate, Theni.



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4. When the matter was taken up for hearing on 22.01.2026, both parties submitted that there was a possibility of settlement between the parties and sought an adjournment to obtain instructions.

5. Today, when the matter was taken up for hearing, the learned Counsel appearing for both sides submitted that the dispute has been amicably settled between the parties and thus a Joint Compromise Memo was entered into on 19.02.2026. The relevant portion of the Joint Compromise Memo dated 19.02.2026 reads as follows:

"1) It is submitted that the respondent has filed H.M.O.P.No. 247 of 2019 seeking divorce and the same is pending on the file of the Sub-Court, Kovilpatti. The present stage is one of examination of the petitioner herein, since the respondent husband has already been cross-examined.

2) The petitioner agrees to be physically present before the trial Court for hear cross-examination on 1st or 2nd week of June, 2026 after filing her proof affidavit by way of completing her Examination-in-Chief. In this connection the respondent agrees that there is no necessity for the petitioner to appear in person for filing the proof affidavit and the same can be notarized in Kuwait and filed through her Counsel or Power of attorney, as the case may be.



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3) *The respondent further undertakes not to insist for the physical appearance of the power of attorney in this case until completion of the trial. He undertakes as well to complete the cross-examination of the petitioner through his counsel on the date fixed by the Trial Court mentioned by the petitioner in one hearing after filing the petitioner's proof affidavit in the previous hearing. In case, the cross-examination is not conducted on the fixed date, the cross-examination has to be endeavoured to be conducted immediately on the next date of hearing fixed by the Trial Court.*

4) *The petitioner also undertakes to despatch her proof affidavit and file it on the day that may be fixed by this Hon'ble Court. Upon so filing, the respondent would give proper instruction to his Counsel and endeavour to complete the cross-examination in one hearing on the date of appearance of the petitioner. It is open to both the parties to raise all contentions on either side and canvass their submission on their merits before the Trial Court.*

5) *The respondent undertakes to give a photocopy of his passport and consent for renewal of child's passport before the cross-examination. The petitioner should use it only for this purpose.*

It is therefore prayed that this Hon'ble Court may be pleased to place on record the above joint memo filed by both the parties, pass appropriate order in the circumstances of the case, close the above transfer C.M.P. in such behalf and thus render justice."



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6. In these circumstances, this Court is of the view that it is open to the learned counsel for petitioner and the respondent to seek a decree of divorce before the Sub Court, Kovilpatti, based on the Joint Compromise dated 19.02.2026 entered into between the parties. The Joint Compromise Memo dated 19.02.2026 shall form part and parcel of this order.

7. With the above directions, this Transfer Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

25.02.2026

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

gvn

To

1.The Judge,
Sub Court, Kovilpatti.

2.The Judge,
Family Court,
Theni.



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MOHAMMED SHAFFIQ, J.

gvn

Order in
Tr.C.M.P.(MD)No.33 of 2026
and
C.M.P.(MD)No.598 of 2026

25.02.2026