



Tr.C.M.P(MD).Nos.556 & 557 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 11.03.2026

Delivered on : 18.03.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD)Nos.556 & 557 of 2025

and

C.M.P(MD)Nos.15378, 15379 and 15383 of 2025

Tr.C.M.P (MD)No.556 of 2025 :

1.Senthil Kumar

Deputy General Manager and Project Director,
Coimbatore, NAHAI,
New No.30, Old No.15 f,
Ground floor, Kongu Nagar East,
Ramanathapuram, Coimbatore District.

2.Angammal

: Petitioners

Vs.

1.Aruna

2.Minor.Sai Aradhana

3.Minor.Yugashri Nenthra

: Respondents

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the petition in D.V.O.P.No.10 of 2024 on the file of the District Munsif cum Judicial Magistrate Court, Usilampatti to the Judicial Magistrate Court, Coimbatore.



Tr.C.M.P(MD).Nos.556 & 557 of 2025

Tr.C.M.P (MD)No.557 of 2025 :

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Senthil Kumar

: Petitioner

Vs.

Aruna

: Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the petition in H.M.O.P.No.67 of 2024 on the file of the Subordinate Court, Usilampatti to the Principal Family Court, Coimbatore.

(in both petitions)

For Petitioners : Mr.C.Adhithyan

For Respondents : Mr.A.Haja Mohideen

ORDER

The Transfer Civil Miscellaneous petition in **Tr.C.M.P (MD)No.556 of 2025**, has been filed seeking orders to transfer the petition in D.V.O.P.No.10 of 2024 from the file of the District Munsif cum Judicial Magistrate Court, Usilampatti to the Judicial Magistrate Court, Coimbatore.

2. The Transfer Civil Miscellaneous petition in **Tr.C.M.P (MD)No.557 of 2025**, has been filed seeking orders to transfer the petition in H.M.O.P.



Tr.C.M.P(MD).Nos.556 & 557 of 2025

No.67 of 2024 from the file of the Subordinate Court, Usilampatti to the Principal Family Court, Coimbatore.

3. It is not in dispute that the marriage between the parties was solemnized on 07.02.2011, at Puthur Murugan Temple and that subsequently, there arose some misunderstanding between them and are living separately. It is also not in dispute that due to their wed-lock, they were blessed with two female children/respondents 2 and 3 in Tr.C.M.P (MD)No.556 of 2025.

4. It is also not in dispute that the first respondent/wife is a practising Doctor at Usilampatti and that the petitioner is employed as Deputy General Manager and Project Director of the National Highways Authority of India (NHAI), Coimbatore.

5. It is evident from the records that the respondent/wife filed a petition in H.M.O.P.No.67 of 2024, seeking restitution of conjugal rights and the same is pending on the file of the Sub Court, Usilampatti. The respondent/wife has also initiated proceedings under Domestic Violence Act and the same is pending in D.V.O.P.No.10 of 2024 on the file of the District Munsif cum Judicial Magistrate, Usilampatti.



Tr.C.M.P(MD).Nos.556 & 557 of 2025

WEB COPY

6.The second petitioner in Tr.C.M.P (MD)No.556 of 2025, is the mother of the petitioner/husband. The petitioner/husband has filed the above transfer petitions seeking transfer of petitions for restitution of conjugal rights in H.M.O.P.No.67 of 2024 and the compliant in D.V.O.P.No.10 of 2024 to the file of the Family Court, Coimbatore and to the any of the Court of Judicial Magistrate, Coimbatore, respectively.

7.The petitioner/husband in the affidavit filed in support of the above transfer petitions and the respondent/wife in her counter affidavit have raised various allegations and charges against each other and for deciding the present petitions, the same cannot be gone into.

8.The learned counsel appearing for the petitioners would submit that the petitioner is working as Deputy General Manager and Project Director of the National Highways Authority of India (NHAI), Coimbatore and he has to seek permission from his higher authorities to go outstation; that his mother/second petitioner in Tr.CMP(MD)No.556 of 2025 is aged 70 years and she finds it difficult to travel; that both of them have to travel nearly 600 kms to and fro for attending the Court hearings at Usilampatti and that therefore, the petitioner was constrained to file the above petitions.



Tr.C.M.P(MD).Nos.556 & 557 of 2025

WEB COPY

9. The learned counsel appearing for the petitioners would further submit that in DVOP proceedings, the first respondent has prayed that neither the petitioner nor his men shall disturb the first respondent directly or through phone, but, contrary to the said stand, she filed the petition under Section 9 of Hindu Marriage Act, for restitution of conjugal rights and that the same would go to show her intention to harass the petitioners.

10. The learned counsel appearing for the respondents would submit that the respondent/wife is suffering from Breast Cancer; that her two children aged 15 and 9 years, are also suffering from neurological disorder; that since the first petitioner had deserted the respondent without any acceptable reason, she was constrained to file the petition for restitution of conjugal rights and taking note of the disturbance and cruelty caused, she was also constrained to lodge a complaint under the provisions of Domestic Violence Act and that the above petitions seeking to transfer the above proceedings to Coimbatore is with sole intention to harass the respondent and cause mental agony and therefore, the above petitions are liable to be dismissed.



Tr.C.M.P(MD).Nos.556 & 557 of 2025

11. The contention of the respondent side that she has been suffering from cancer and their children suffering from neurological disorder is not disputed by the petitioner specifically. Getting permission from his higher authorities to go out station or that his mother is aged 70 years, by no stretch of imagination can be taken as reasons or grounds for transferring the case.

12. On considering the facts that the first respondent/wife along with their two children are residing at Usilampatti, that the first respondent is practising as a Doctor in Usilampatti, and taking note of the ill health of the first respondent and her children, the prayer of the petitioner cannot be entertained. Considering the above, this Court has no hesitation in holding that the above petitions are devoid of merits and are liable to be dismissed.

13. In the result, these Transfer Civil Miscellaneous Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

18.03.2026

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

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6/8



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Tr.C.M.P(MD).Nos.556 & 557 of 2025

To

1.The District Munsif cum Judicial Magistrate Court,
Usilampatti.

2.The Subordinate Court, Usilampatti.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD).Nos.556 & 557 of 2025

K.MURALI SHANKAR, J.

das

Pre-delivery order made in
Tr.C.M.P (MD)Nos.556 & 557 of 2025
and
C.M.P(MD)Nos.15378, 15379 and 15383 of 2025

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