

TR CMP(MD) NO.581 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 10.09.2026

Pronounced on : 24.09.2026

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

TR CMP(MD) NO. 581 of 2025

{CNR: HCMD011348612025}



Case QR

and

C.M.P(MD) No.16339 of 2025

S.Manikandan
S/o.M.Subbaiyan
No.4, Sivananthapuram,
2nd Street
Pudukkottai District.

...Petitioner

Vs.

1.R.Vasantha Kumari,
W/o.S.Manikandan,
No.7/4, Flat No.F6
Elite PEARL,Ramalingam 1st Cross Street,
Gandhi Nagar, Avadi,
Chennai - 600 054.

2.Minor M.Vishnu Varshan
S/o.S.Manikandan,
No.7/4, Flat No.F6
Elite PEARL,Ramalingam 1st Cross Street,
Gandhi Nagar, Avadi,
Chennai - 600 054.

3.Minor M.Sri Varshini,
S/o.S.Manikandan,
No.7/4, Flat No.F6
Elite PEARL,Ramalingam 1st Cross Street,
Gandhi Nagar, Avadi,
Chennai - 600 054.

...Respondents

*(Minor Respondents 2 and 3 are represented by
their mother and natural guardian 1st respondent)*



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PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the M.C.No.53 of 2025 on the file of the Judicial Magistrate, Ambattur to the Family Court, Tiruchirappalli.

For Petitioner : Mr.S.M.Mohan Gandhi
For Respondents : No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw M.C.No.53 of 2025 on the file of the learned Judicial Magistrate, Ambattur to the Family Court, Trichirappalli.

2.The petitioner and the respondent are husband and wife. Their marriage was solemnized on 26.01.2011 at Pudukkottai as per Hindu rites and customs. Out of wedlock, they have been blessed with two children. Due to certain differences of opinion, they are living separately. The 1st respondent with children, left the matrimonial home. Thereafter, the respondents filed a petition in M.C.No.53 of 2025 before the Judicial Magistrate Court, Ambattur.

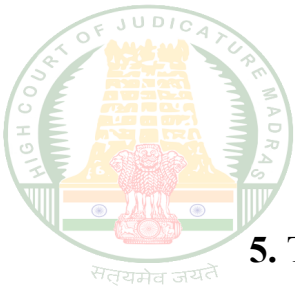
3. The learned counsel for the petitioner has submitted that after marriage, they started living in Singapore. Out of wedlock, they have been



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WEB COPY blessed with two children, namely M.Vishnuvarsan aged about 14 years and M.Sivarshini aged about 8 years. Because of certain differences of opinion, the 1st respondent left the matrimonial home in 2020. The petitioner was diagnosed with blood cancer, so he came back to India and took treatment. The petitioner filed a divorce petition in HMOP.No.15 of 2024 on the file of the Family Court, Pudukkottai. The first respondent filed Tr.CMP.No.413 of 2024 before the High Court of Madras for transfer of HMOP.No.15 of 2024 from Family Court, Pudukkottai to Family Court, Chennai. But, considering the health condition of the petitioner, who is suffering from blood cancer, the Hon'ble High Court, Madras, ordered transfer of HMOP.No.15 of 2024 from Family Court, Pudukkottai to the Family Court, Trichy. Now, the respondents have filed a maintenance case in M.C.No.53 of 2025 before the Judicial Magistrate Court, Ambattur. So, the petitioner, being a blood cancer patient, is facing difficulty in travelling from his native place to Ambattur with a distance of 370 k.m. Moreover, the petitioner is unable to engage in a job, and he is not now earning. Hence, the petition may be allowed.

4. The first respondent was served with notice of this petition, but she did not appear for proceedings. Her name was printed in the cause list. However, there is no representation on her side.



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5. The submissions of the petitioner are considered. It is not disputed that the marriage between the petitioner and the first respondent has been solemnized as per Hindu religious rites and customs and out of wedlock they have been blessed with two children. Due to misunderstanding, they are living separately. It is alleged by the petitioner that the first respondent left the matrimonial home without any reason and so he filed a petition for divorce in HMOP.No.15 of 2024 on the file of the Family Court, Pudukkottai. The allegation of the petitioner cannot be looked into in this petition, as this petition is filed only for transfer of case. The petitioner's counsel submits that the petitioner has blood cancer and is unable to walk for even 5 minutes, and he has not been cured 100%.

6. He further states that the 1st respondent filed Tr.CMP No.413 of 2024 before the High Court, Madras for transfer of HMOP.No.15 of 2024 from Family Court, Pudukkottai to Family Court, Chennai, however, the Hon'ble High Court was pleased to transfer the said HMOP.No.15 of 2024 to the Family Court, Trichirappalli and there is no appeal preferred by the first respondent. On perusal of the typeset of papers, it is clear that the order passed in Tr.C.M.P.No.413 of 2024 on the file of the High Court, Madras is available, and the order affirms the above version of the petitioner. Moreover, the



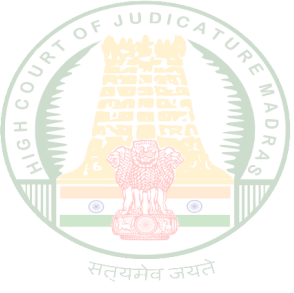
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petitioner has also filed a photocopy of the medical record showing that the petitioner is suffering from a hematological issue. The respondent has not come forward to put forth any contra facts, in spite of service of notice. Therefore, considering the above facts and circumstances, this court is of the considered view that this petition deserves to be allowed.

7. In the result, this Transfer Civil Miscellaneous Petition is allowed. The petition in M.C.No.53 of 2025 on the file of the Judicial Magistrate, Ambattur is hereby withdrawn and transferred to the file of the Family Court, Trichirappalli for disposal in accordance with law. The learned Judicial Magistrate, Ambattur is directed to transmit the entire records pertaining to the case in M.C.No.53 of 2025 to the transferee Court within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

24.09.2026

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

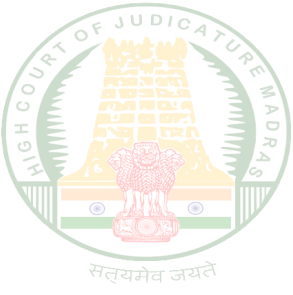


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To

- 1.The Judicial Magistrate,
Ambattur.
- 2.The Family Court,
Trichirappalli.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Tr.C.M.P(MD)No.581 of 2025
and
C.M.P(MD)No.16339 of 2025

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