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Tr.C.M.P.No.1307 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1307 of 2022

and

C.M.P.No.22044 of 2022

1.S.S.Santhosh Anand

2.S.Meeenakshi

... Petitioners

Vs.

1.B.Ramya

2.S.Mugilesh Anand (minor)

... Respondents

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to transfer the D.V.C.No.14 of 2022, on the file of the Judicial Magistrate at Chengam and transfer the same to the Judicial Magistrate Court at Sriperumbudur.

For Petitioner

: M/s.S.Santhi



ORDER

The petition for transfer is filed to transfer the D.V.C.No.14 of 2022, on the file of the Judicial Magistrate at Chengam, and transfer the same to the Judicial Magistrate Court at Sriperumbudur.

2. The marriage between the petitioner and the respondent was solemnised on 16.05.2010 as per Hindu rites and customs. A male child was born from and out of the wedlock between the petitioner and the respondent, and the petitioner states that the boy is in the custody of the petitioner.

3. The respondent/wife filed a Domestic Violence complaint before the Judicial Magistrate at Chengam, in D.V.C. No.14 of 2022. The petitioner/husband filed a petition for divorce and the learned counsel for the petitioner states that there is a likelihood of mutual consent between the parties.

4. However, this Court cannot take note of all those facts and circumstances since the present transfer application has been filed to transfer



of D.V.C. proceeding from the Court of Judicial Magistrate at Chengam, to the Judicial Magistrate Court at Sriperumbudur.

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5. The D.V.C. case cannot be tried along with the H.M.O.P., filed by the petitioner on the file of the Sub-Court Kancheepuram. That apart, the petitioner seeks transfer of the D.V.C. case to Sriperumbudur. As the H.M.O.P. for Divorce is pending on the file of the Sub-Court Kanjeepuram, therefore, transfer of the D.V.C. proceeding would cause prejudice to the interest of the respondent/wife.

6. The wife instituted D.V.C. proceedings based on certain allegations. Thus, the allegations set out in the proceedings are to be adjudicated in the manner contemplated under the Act. The petitioner has not made out any acceptable reason for the purpose of transferring the case. That apart, transferring the D.V.C. proceeding to the place of the petitioner/husband is not desirable and thus, this Court is not inclined to consider the transfer petition.



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S.M.SUBRAMANIAM, J.

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7. With the abovesaid observations, the Transfer Civil Miscellaneous
Petition stands **dismissed**. However, there shall be no order as to costs.
Consequently, the connected miscellaneous petition is closed.

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22.12.2022

Index : Yes

Speaking order

To

1. Judicial Magistrate, Chengam
2. Judicial Magistrate Court, Sriperumbudur.

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