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Tr.CMP. No.225 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

TR.CMP No.225 of 2023
and C.M.P.No.4989 of 2023

Uma Maheshwari @ Uma Maheswari Petitioner

-Vs-

1. S.Karthe @ Karthi
2. P.Sathya
3. S.Prakashvalli
4. S.Gayathery
5. M.Natraja

.... Respondents

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw the D.V.C.No.29 of 2022 on the file of the Additional Mahila Court (Judicial Magistrate Court level), Tiruvarur and transfer the same to the Additional Mahila Court at Judicial Magistrate Court level, Erode.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.P.Sesubalan

ORDER

This petition has been filed seeking to withdraw the D.V.C.No.29 of 2022 on the file of the Additional Mahila Court (Judicial Magistrate Court level),



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Tiruvarur and transfer the same to the Additional Mahila Court at Judicial Magistrate Court level, Erode.

2. The learned counsel for the petitioner submitted that the marriage between the petitioner and the first respondent was solemnized on 22.02.2015. Further, there was some misunderstanding between the petitioner and the first respondent. Further, the first respondent/husband filed H.M.O.P.No.102 of 2021 on the file of the Sub Ordinate Court, Tiruvarur seeking for divorce from the petitioner on the ground of cruelty. Thereafter, the petitioner filed D.V.C.No.29 of 2022 before the Additional Mahila Court, at Magistrate Level, Tiruvarur. Both cases are still pending. After demise of the petitioner's parents, the petitioner staying at her sister's house. He further submitted that the petitioner is residing at Chinnimalai, Erode District and it is very difficult for the petitioner to attend the court hearings at Tiruvarur. Hence, he prays to transfer the D.V.C..No.29 of 2022 to the Additional Mahila Court at Judicial Magistrate Court level, Erode.

3.The learned counsel for the respondents submitted that DVC was filed, it clearly mentioned that the petitioner is residing at Tiruvarur. He further submitted that the petitioner has been dragging on the proceedings. Hence, he



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prays to dismiss the petition

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4. Considering the facts and circumstances of the case and also the fact that the petitioner now residing at Erode and staying at her sister's house. Hence, considering the reasons stated by the petitioner and the same is justifiable. The present Tr.C.M.P. is allowed and the D.V.C.No.29 of 2022 pending on the file of the Additional Mahila Court (Judicial magistrate Court level Tiruvarur, is withdrawn and transferred to the file of the Additional Mahila Court, at Judicial Magistrate Court level, Erode. No costs. Consequently, connected miscellaneous petition is closed.

16.03.2023

Index : Yes/No
Internet : Yes/No
msrm

To

1.The Additional Mahila Court (Judicial Magistrate Court level), Tiruvarur.

2.The Additional Mahila Court at Judicial Magistrate Court level, Erode.



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T.V.THAMILSELVI, J.

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