



Tr.C.M.P. No.253 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Tr.C.M.P. No.253 of 2023

and

C.M.P.No.5538 of 2023

1. Mr.S.R.Vijaysampath
S/o. Reghupathy

2. Mrs. Santha,
W/o. Reghupathy

.... Petitioners

-Vs-

Mrs.Mahalakshmi,
W/o. Vijaysampath

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to transfer the case proceedings in D.V.C.No.11 of 2022 on the file of learned Judicial Magistrate-II at Kulithalai, Karur District and transfer the same to the learned Judicial Magistrate, Karaikal.

For Petitioner : Mr.T.Elumalai



ORDER

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The petitioners have filed this petition to transfer the case proceedings in D.V.C.No.11 of 2022 from the file of learned Judicial Magistrate-II at Kulithalai, Karur District to the file of learned Judicial Magistrate, Karaikal.

2. The 1st petitioner is husband and 2nd petitioner is mother-in-law of respondent. The 1st petitioner and respondent have got married in the year of 2012 and begotten two female children and they have got separated due to misunderstanding between them. Now, she is residing at her parents house at Kulithalai along with daughters. The 1st petitioner husband met with an accident in the year of 2016 and thereafter, he is unable to move properly. Hence, he wanted to transfer the proceedings to the learned Family Court, Karaikal.

3. The learned counsel for petitioner argues that the 1st petitioner filed a petition for restitution of conjugal rights before the Family Court, Karaikal in H.M.O.P. No.9 of 2023, but previously, the 1st respondent filed a petition in D.V.C.No. 11 of 2022 before the Judicial Magistrate-II, Kulithalai



seeking for return of articles and also maintenance and the same is pending.

Now, the 1st petitioner husband filed this petition to transfer the said D.V.C. Proceedings and try along with a petition filed in H.M.O.P.No.9 of 2023 on the file of learned Family Court Judge, Karaikal. The reasons assigned by the 1st petitioner is that since he met with an accident, he is unable to move properly. Hence, he wanted to transfer the D.V.C. Proceedings to the Family Court, Karaikal and to that effect, he filed the medical records in the typed set of papers.

4. On a bare perusal of records, in the year of 2016, he met with an accident and sustained RTA with head injury, left clavicle fracture and multiple Rib fractures, but as per the discharge summary, he was advised to take periodical treatment and he was conscious and became normal. So, the reason assigned by the 1st petitioner is not acceptable one. As the respondent is living with two little children, she cannot be directed to appear before the Family Court, Karaikal, which is more than 200 kms. away from Kulithalai and the reason assigned by the 1st petitioner is unjustifiable one. Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.



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Index : Yes/No
Internet : Yes/No
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To

The Judicial Magistrate-II, Kulithalai.

T.V.THAMILSELVI, J.



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