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Tr.C.M.P.No.471 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Tr.C.M.P.No.471 of 2023

and

C.M.P.No.10757 of 2023

1.D.Nagarajan
2.D.Kalaivani
3.M.Devanathan

... Petitioners

Vs.

Deepa P.

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw D.V.C.No.6 of 2022 pending on the file of the learned Judicial Magistrate, Gudiyatham and to transfer the same to the file of the learned Judicial Magistrate, Arakonam.

For Petitioners : Mr.R.Sreedhar

ORDER

Heard Mr.R.Sreedhar, learned counsel for the petitioners and perused the records.

2. This petition is filed seeking to withdraw and transfer D.V.C.No.6



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of 2022 pending on the file of the learned Judicial Magistrate Court, Gudiyatham, to the file of the Judicial Magistrate Court, Arakonam.

3. Learned counsel for the petitioners submitted that the respondent being a wife of the first respondent has filed D.V.C.No.6 of 2022 not only against the first petitioner and also against his parents, who are the petitioners 2 and 3 herein. Even, if the allegations leveled in the domestic violence case are accepted, no case is made out against petitioners 2 and 3.

4. Learned counsel further submitted that petitioners 2 and 3 are senior citizens aged about 67 and 73 years, respectively. The distance between the place where the petitioners are residing and the Court is about 120 kms. The learned Judicial Magistrate is insisting the presence of the petitioners 2 and 3 for every date of hearing. In the enquiry of domestic violence case, the presence of the petitioners 2 and 3 is not regularly required. Attending the Court on every date of hearing causes hardship to petitioners 2 and 3.

5. Considering the circumstances, this transfer miscellaneous petition



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is disposed of with the following directions.

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(i) The presence of petitioners 2 and 3 is dispensed with during the period of enquiry in D.V.C.No.6 of 2019 pending on the file of the Judicial Magistrate Court, Gudiyatham.

(ii) The learned Judicial Magistrate, Gudiyatham, is at liberty to direct petitioners 2 and 3 to present as and when called for a smooth progression of enquiry.

(iii) There shall be no order as to costs.

06.06.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms

To

1. The Judicial Magistrate,
Gudiyatham
2. The Judicial Magistrate,
Arakonam.



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DR.D.NAGARJUN, J.,

ms

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