



TR.C.M.P.(MD) No.243 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.06.2023

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

TR.C.M.P.(MD) No.243 of 2023

and

C.M.P.(MD) Nos.5346 & 5349 of 2023

1.Jagadeshwaran

2.Gunasing Nadar

3.Jhagajothi

4.G.Varathan

5.G.Paramashwaran

... Petitioners

Vs.

Selvarathi

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the case pending in D.V.C.No.1 of 2023 on the file of the Judicial Magistrate, Ottapidaram, Thoothukudi District and transfer the same to some competent Court in Villupuram District.

For Petitioners : Mr.S.Joel

For Respondent : Mr.P.Rajapackiam



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ORDER

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2. The petitioners are the husband and in-laws of the respondent herein. It is specific case of the petitioners that in the D.V.C. filed by the respondent, the respondent wife has clearly stated that the address of the respondent in Thoothukudi District is a temporary address. That apart, in the D.V.C., the respondent has made false allegation that in-laws have also tortured the respondent.

3. It is further submitted that in the D.V.C. itself, the respondent has stated that the address of the respondent in Thiruvanamalai was the permanent address. However, with a view to harass the petitioners, the respondent has initiated the D.V.C.No.1 of 2023 before the Judicial Magistrate Court, Ottapidaram, Thoothukudi District.

4. Per contra, the learned counsel for the respondent submits that the respondent was threatened by the petitioners and therefore, the



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respondent was constrained to file D.V.C.No.1 of 2023 before the Judicial Magistrate Court, Ottapidaram, Thoothukudi District. That apart, it is submitted that the marriage between the first petitioner and the respondent solemnized in the year 2019 was only in Thoothukudi District and therefore, D.V.C. was filed by the respondent before the Judicial Magistrate Court, Ottapidaram, Thoothukudi District.

5. It is further submitted that the respondent's father passed away and therefore, the family has shifted to Thiruvannamalai. It is submitted that since the permanent address was given as Thiruvannamalai in all the records, the D.V.C. has been filed as if the respondent is temporarily residing in Thoothukudi.

6. Heard the learned counsels for the petitioners and the respondent.

7. On enquiry as to whether the respondent is serious about the D.V.C. as against the in-laws, the learned counsel for the respondent submits that the respondent is not keen on pressing the D.V.C. as far as the in-laws are concerned. The above statement of the learned counsel for the respondent stands recorded.



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C.SARAVANAN, J.

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8. Considering the fact that the respondent is residing with her mother in Thoothukudi District and has no other avenue for the source of income, I am not inclined to allow this Transfer Civil Miscellaneous Petition as prayed for. At the same time, the names of the second to fifth petitioners are directed to be struck off from D.V.C.No.1 of 2023 pending on the file of the Judicial Magistrate Court, Ottapidaram, Thoothukudi District.

9. This Transfer Civil Miscellaneous Petition stands disposed of. No cost. Consequently, connected Miscellaneous Petition is closed.

13.06.2023

NCC : Yes / No
Internet: Yes/No
Index: Yes/ No
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To
The Judicial Magistrate Court,
Ottapidaram, Thoothukudi District.

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