



TR.C.M.P.(MD) No.407 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.08.2023

CORAM

THE HO'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

TR.C.M.P.(MD) No.407 of 2023

and

C.M.P.(MD) No.8526 of 2023

1.Thariq Ahamed

2.Ibrahim

3.Hakim Sibana

4.Halitha Agnas

5.Jennifer

... Petitioners

Vs.

1.Ayisha Beewi

2.Minor. Mohamad Jafrul Arman
rep. by guardian/mother R1

... Respondents

Prayer:- This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw D.V.O.P.No.3 of 2023 from the file of the Judicial Magistrate, Vedachandur and transfer the same to the file of the District Munsif Court, Uthamapalayam.

For Petitioners : Mr.S.Arunnithy

For Respondents : No appearance



TR.C.M.P.(MD) No.407 of 2023

ORDER

WEB COPY This Transfer Civil Miscellaneous Petition has been filed by the petitioners for transfer of D.V.O.P.No.3 of 2023 from the file of the Judicial Magistrate Court, Vedachandur to the file of the District Munsif Court, Uthamapalayam.

2. According to the petitioners, the first respondent/wife filed D.V.O.P.No.3 of 2023 before the Judicial Magistrate Court, Vedachandur under the Protection of Women from Domestic Violence Act, 2005 against the petitioners on the ground of demanding dowry and cruelty. It is submitted that the D.V.O.P. has been filed by the first respondent/wife on the false allegation.

3. It is submitted that when the first respondent/wife was pregnant, she was sent to her parents' house as per the rituals and after the birth of the second respondent, the first petitioner/husband want to take the respondents to their house, but, the first respondent's/wife's parents denied to send her back. Therefore, the first petitioner/husband gave a representation before the Jamath for mediation, buy, the first respondent/wife denied to respond for enquiry notifications sent by



TR.C.M.P.(MD) No.407 of 2023

Jamatha. Therefore, the first petitioner/husband filed O.S.No.74 of 2023 before the District Munsif Court, Uthamapalayam for conjugal rights which is said to be pending.

4. It is submitted that the first and second petitioners who are the husband and the father-in-law of the first respondent/wife are running a Pharmacy at Cumbam. The family of the petitioners is depending upon the income from the Pharmacy. It is submitted that the petitioners have life threat from the first respondent's/wife's family members and relatives at Vedachandur and that when they went to appear before the Judicial Magistrate Court, Vedachandur, there was wordy quarrel between them. It is further submitted that the fourth and fifth petitioners are the sisters of the first petitioner and the sister-in-law of the first respondent. The fourth petitioner got married and she is staying with her husband at Bodi and the fifth petitioner is a college going girl. It is therefore submitted that the petitioners are facing problem in attending the hearing before the Judicial Magistrate Court, Vedachandur.

5. It is further submitted that O.S.No.74 of 2023 filed by the first petitioner for conjugal rights is pending before the District Munsif Court,



TR.C.M.P.(MD) No.407 of 2023

Uthamapalaym and therefore, it is difficult for the petitioners to face trials at two different places. Therefore, the petitioner pray for transfer of D.V.O.P.No.3 of 2023 from the file of the Judicial Magistrate, Vedachandur to the file of the District Munsif Court, Uthamapalayam.

6. Considering the above facts and circumstances of the case D.V.O.P.No.3 of 2023 is directed to be transferred from the file of the Judicial Magistrate, Vedachandur to the file of the District Munsif Court, Uthamapalayam.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No cost. Consequently, connected Miscellaneous Petition is closed.

23.08.2023

NCC : Yes / No
Internet: Yes/No
Index: Yes/ No
jen

Issue Order copy on 21.09.2023

To
1.The Judicial Magistrate, Vedachandur.
2.The District Munsif, Uthamapalayam.



WEB COPY



TR.C.M.P.(MD) No.407 of 2023

K.GOVINDARAJAN THILAKAVADI, J.

jen

TR.C.M.P.(MD) No.407 of 2023
and C.M.P.(MD) No.8526 of 2023

23.08.2023