



Tr.CMP.No.211 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 17.04.2024**

CORAM

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**Tr.CMP.No.211 of 2024**

**and**

**C.M.P.No.4078 of 2024**

1.Visweswaran

2.Sasikala

3.Madhaiyan

.. Petitioners

Vs.

P.Anupriya

.. Respondent

**Prayer** : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceedings in D.V.C.No.7 of 2023 on the file of the Judicial Magistrate No.I at Dharmapuri and transfer the same to any one of the Judicial Magistrate at Salem.

For Petitioner : Mr.K.V.Muthu Visakan

For Respondent : Mr.R.Anbukarasu

**ORDER**



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Originally, I have passed an order in Tr.C.M.P.Nos.947 of 2021 and 122 of 2022. In that order, I had withdrawn the proceedings in H.M.O.P.No.544 of 2021 from the file of the Family Court at Salem and F.C.M.C.No.16 of 2021 from the file of the Family Court at Dharmapuri and transferred them to the file of the Family Court at Erode. This was taken up to the Supreme Court of India in S.L.P.(Civil)Nos.22117 and 22118 of 2023. By an order dated 10.10.2023, the common order passed in the Tr.C.M.Ps. was set aside and the case was retained before the Family Court at Salem.

2. Now, the husband and his relatives want to withdraw the application in D.V.C.No.7 of 2023 pending on the file of the Judicial Magistrate No.I at Dharmapuri to any of the Court at Salem.

3. Notice was issued to the respondent and Mr.R.Anbukarasu has entered appearance on behalf of the respondent. He drew my attention to various allegations that have been made against the respondent and would state that these allegations are false and frivolous.

4. While dealing with the transfer petition, I am not concerned with



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the merits of the allegations that were made by one party as against the other. It is for a person, who makes the accusation, to prove the same at the time of trial. I am considering this transfer petition *dehors* the allegations made in the petition.

5. Both the parties would agree that it would be convenient for them to try the case at Salem where the Family Court proceedings are pending. Accordingly, the proceedings in D.V.C.No.7 of 2023 which is now pending on the file of the Judicial Magistrate No.1 at Dharmapuri is withdrawn and it shall stand transferred to the file of the Additional Mahila Court at Salem.

6. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**17.04.2024**

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

To



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1.The Judicial Magistrate No.1,  
Dharmapuri

2.The Additional Mahila Court,  
Salem

**V. LAKSHMINARAYANAN, J.**



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