



Tr.C.M.P.No.346 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORreAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.346 of 2023

and

C.M.P.No.7714 of 2023

F.Jennifer

... Petitioner

Vs

1.N.Antony Vinoth Kumar

2.Emelda Sagaya Mary

3.Manimaran

... Respondents

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw and transfer the DVC 9/2022 pending before the Court of the Judicial Magistrate, Sriperumbudur to Additional Mahila Magistrate, Egmore, Chennai.

For Petitioner : Mr.Dinesh Bose

For Respondent : Ms.P.Krithiga
for Mr.S.Gopinathan

ORDER

The petitioner was a resident of Mangadu. She initiated proceedings in D.V.C.No.9 of 2022 on the file of the Judicial Magistrate Court at Sriperumbudur. Subsequently, she has shifted her residence



Tr.C.M.P.No.346 of 2023

from Mangadu to Vyasarpadi. Hence, she wants the proceeding to be transferred from Judicial Magistrate Court, Sriperumbudur to the Additional Mahila Court at Egmore.

2. It is the convenience of the wife which the Court has to consider in a case for transfer of the proceedings. The wife found it convenient to move the Court at Sriperumpudur. By her own volition, she has moved from the jurisdiction of the Court at Sriperumpudur to the jurisdiction of the Court at Egmore. If I were to transfer a proceeding each time the petitioner transfers herself from one place to another, the litigation will be never ending. Therefore, I am not inclined to grant the relief which the petitioner seeks in this petition.

3. At this stage, learned counsel for the petitioner would submit that the husband is not cooperating with the disposal of D.V.C.No.9 of 2022. He would state that the proceedings have reached an advanced stage and on account of the fact that the husband is not turning up to contest the case, the learned Judge is not passing an order. He would state that next date of hearing is sometime in May, 2024.



Tr.C.M.P.No.346 of 2023

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4. DVC proceeding is civil in nature as held by the Full Bench of this Court in *Arul Daniel Vs. Suganya, (2022) 4 Mad.L.J. 561*. The idea behind the said proceeding is to give a quick and effective relief to the wife. By keeping the proceedings pending, it will only increase the agony of the womenfolk. Since the learned counsel for the petitioner states that the DVC proceedings are in an advanced stage, the learned Judicial Magistrate, Sriperumpudur is requested to pass final orders in the proceedings on or before 29.07.2024 and communicate the same to this Court by 31.07.2024.

5. With the above observations, the Tr.C.M.P. stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.04.2024

Index : Yes/No

Neutral Citation : Yes/No

Sgl

To

The Judicial Magistrate,



Sriperumbudur.

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Tr.C.M.P.No.346 of 2023

V. LAKSHMINARAYANAN, J.

Sgl

Tr.C.M.P.No.346 of 2023

15.04.2024