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Tr.C.M.P. No.516 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.08.2024

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P. No.516 of 2024

S.Prabhu

... Petitioner

Vs.

1.S.Saveetha

2.Selvamani

... Respondents

PRAYER: Transfer Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer the D.V.C.No.6 of 2023 from the file of the Judicial Magistrate, Arani to that of Sub-Court, Cheyyar and to try along with H.M.O.P.No.36 of 2022 pending on the file of the Sub-Court, Cheyyar.

For the Petitioner : Mr.L.Chandrakumar

For the Respondents : Mr.T.Balaji

for Ms.Radhika Boopathi

For R2 – No appearance

ORDER

This petition for transfer seeks for transfer of the proceedings in D.V.C.No.6 of 2023 on the file of the Judicial Magistrate, Arani to the file of the Sub Court, Cheyyar.



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2. I am afraid that such a prayer cannot be granted. The proceedings under the Protection of Women from Domestic Violence Act, 2005, can be tried only by the Judicial Magistrate. It cannot be tried by the Civil Court.

3. On this, the submission of Mr.T.Balaji is absolutely right. He is fortified by a Judgment of the Full Bench in *Arul Daniel and Others Vs. Suganya*, (2022 [6] CTC 833).

4. However, I notice that on a previous occasion, the very same parties approached this Court in Tr.C.M.P.No.624 of 2021. The Hon'ble Mr.Justice R.Subramanian was pleased to pass an order on 19.11.2021, transferring the proceedings to a neutral territory, viz, the Court at Cheyyar. Following this precedent, though the prayer is for transferring the proceedings to the Sub Court at Cheyyar, I am of the view that D.V.C.No.6 of 2023 can be withdrawn from the file of the Judicial Magistrate Court at Arani and transferred to the file of the Judicial Magistrate at Cheyyar. The learned Judicial Magistrate, Cheyyar is requested to expedite the proceedings and dispose of the same, within a period of three months from the date of receipt of the records from the Court at Arani.



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5. The petitioner-husband pleads that he is working as BDO and the respondent – wife pleads that she has to take care of two children. Therefore, both of them can be represented before the Court through their respective counsel. However, they shall appear before the Court, whenever their appearance is essential or when they were directed by the learned Judicial Magistrate.

6. With the above observation, this Transfer Civil Miscellaneous Petition stands allowed. No costs.

23.08.2024

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Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

Neutral citation : Yes / No

To

- 1.The Judicial Magistrate, Arani.
- 2.The Subordinate Judge
Sub-Court, Cheyyar.
- 3.The Judicial Magistrate, Cheyyar.



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V.LAKSHMINARAYANAN, J.,

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