



Tr.C.M.P.No.767 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM

**THE HONOURABLE MR.JUSTICE BATTU DEVANAND**

Tr.C.M.P.No.767 of 2022

and

C.M.P.No.13094 of 2022

Selvam @ Selvi

... Petitioner

Vs

1.Thirunavukarasu

2.Kuzhandaiammal

3.Ramasamy

... Respondents

**PRAYER:-** Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to transfer the above D.V.Case No.4 of 2019 on the file of Judicial Magistrate-I, at Kallakurichi to Judicial Magistrate-I at Tambaram and to pass such or other suitable orders.

For Petitioner : Mr.Y.Deva Arul Prakash

For Respondents : Mr.P.Muthamizh Selva Kumar

**ORDER**

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the petition in D.V.Case No.4 of 2019 on the file of

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Judicial Magistrate-I, at Kallakurichi to Judicial Magistrate-I at  
Tambaram in the interest of justice.

2. Heard and perused the materials available on record.

3. The petitioner and first respondent are wife and husband and the second and third respondents are in-laws of the petitioner. The marriage between the petitioner and first respondent was solemnized on 10.12.1995 at Kallakurichi Mahalakshmi Thirumanamandabam, as per Hindu rites and customs. Out of their wedlock, they were blessed with two sons. The petitioner and the first respondent stated that they had their matrimonial life at Salem. They both started a construction work in the name and style of Selvam Builders at Tambaram. Subsequently, the first respondent having illegal contact with one lady and left the matrimonial home and living separately at Tambaram. Having left with no other option, the petitioner filed D.V.Case No.4 of 2019 before the Judicial Magistrate-I, at Kallakurichi and the same is pending.

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4. The learned counsel for the petitioner further submits that the parents of the petitioner are residing at Tambaram and for the safety of the petitioner, she shifted her residence to No.5, First Cross Stret, New Balaji Nagar, Selaiyur, Chennai – 73 and the second son of the petitioner jointed EEE course at Satyabama College at Chennai. The petitioner is fully dependent upon her parents in all aspect. The grievance of the petitioner is that it is very difficult for her to travel from Chennai to Kallakurichi for every hearing and to participate in the proceedings in the D.V.C. Case.

5. It is the contention of the learned counsel for the petitioner that she is not in a position to incur the expenditure for travel to attend the D.C. Case No.4 of 2019 on the file of the Judicial Magistrate-I, Kallakurichi.

6. In *Rajani Kishor Pardeshi v Kishor Babulal Pardeshi*,<sup>1</sup> the

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<sup>1</sup> 2005(12)SCC237



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Hon'ble Apex Court held that while going into the merits of a transfer application, the Court are required to give more weight and consideration to the convenience of the female litigants, and the Courts should desist from putting female litigants under undue hardships. Therefore, the convenience of the wife is to be preferred over the convenience of the husband.

7. Considering the facts and circumstances of the case and the petitioner is being a lady, definitely she has to face difficulties to travel from Tambaram, Selaiyur, Chennai to Kallakurichi to attend the case. In our considered view, it is appropriate to transfer the the case in D.V.C. No.4 of 2019 from the file of the Judicial Magistrate-I, Kallakurichi to Judicial Magistrate-I at Tambaram in the interest of justice.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the D.V.C. No.4 of 2019 pending on the file of Judicial

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Magistrate-I, Kallakurichi, is hereby withdrawn and transferred to the Judicial Magistrate-I at Tambaram. The Judicial Magistrate-I, Kallakurichi shall transmit the entire record in D.V.C. No.4 of 2019 pending on his file to the Judicial Magistrate-I at Tambaram, forthwith, by duly indexed.

9. Consequently, connected miscellaneous petition is closed.

10. There shall be no order as to costs.

**10.06.2024**

gba

Index : Yes/No

Speaking order : Yes/No

Neutral Citations : Yes/No

To

1.The Judicial Magistrate-I at Tambaram.

2. The Judicial Magistrate-I, Kallakurichi.

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**BATTU DEVANAND,J.**

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