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Tr.CMP.,No.648 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.CMP.No.648 of 2023

and CMP.No.16045 of 2023

K. Srinivasan S/o. Krishnan

... Petitioner

VS

S. Bharathi W/o. Srinivasan

.. Respondent

PRAYER:- The Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw DVC No.27 of 2023 pending on the file of the Additional Mahila Court, Egmore and transfer the same to the file of the Judicial Magistrate Court No.I, Kumbakonam.

For Petitioner : Mr. A. Mohamed Ismail

For Respondent : Mr. P.G. Thiyagu

ORDER

The petition has been filed to withdraw DVC No.27 of 2023 pending on the file of the Additional Mahila Court, Egmore and transfer the same to the file of the Judicial Magistrate Court No.I, Kumbakonam.



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2. Heard Mr. A. Mohamed Ismail, learned counsel appearing for the petitioner and Mr. P.G. Thiyagu, learned counsel appearing for the respondent.

3. This petition seeking transfer of proceedings in D.V.C. No.27 of 2023 pending on the file of Additional Mahila Court at Egmore to be transferred to the file of the learned Judicial Magistrate No.I, Kumbakonam.

4. The respondent has moved Domestic Violence complaint at Chennai. She is the permanent resident of Villivakkam at Chennai and the petitioner is the resident of Kumbakonam. He pleads medical inability and therefore filed this transfer petition.

5. Apart from his blood test, which he has taken at Kumbakonam, all the other medical records show that he has taken treatment only at Chennai. He has consulted at Appollo Hospitals, Chennai, Sankara Nethralaya, Chennai. Therefore, the ground that he is unable to travel from Kumbakonam to Chennai does not stand scrutiny.



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6. Hence, I am not convinced to transfer proceedings to

Kumbakonam from Chennai and put the lady of the family to hardship.

However, taking into consideration the petitioner is suffering from some medical illness for which he is undergoing treatment, the learned Additional Mahila Judge at Egmore may direct his presence only for essential hearings and for the other procedural hearings, he may be represented by his counsel.

7. With the above direction, this transfer civil miscellaneous petition is dismissed. No costs. The connected miscellaneous petition is closed.

04.04.2024

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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To

1. The Additional Mahila Court, Egmore.

2. The Judicial Magistrate Court No.I, Kumbakonam.



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V. LAKSHMINARAYANAN,J.

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