



Tr.C.M.P.Nos.859 and 614 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.Nos.859 and 614 of 2024
and C.M.P.Nos.18915 and 13233 of 2024

Poongavanam @ Uma .. Petitioner
(in both the cases)

Versus

Manikandan .. Respondent
(in both the cases)

Prayer in Tr.C.M.P.No.859 of 2024 : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the case in D.V.No2 of 2024 on the file of the Judicial Magistrate Court, Cheyyar and transfer the same to the Judicial Magistrate No.II, Poonamallee, Chennai.

Prayer in Tr.C.M.P.No.614 of 2024 : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the case in H.M.O.P.No.183 of 2023 from the file of Sub-Court, Cheyyar and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.S.Prabhu
(in both the cases)



Tr.C.M.P.Nos.859 and 614 of 2024

For Respondent : Mr.Vijayaraj
(in both the cases) for Mr.V.R.Appaswamee

ORDER

These two petitions are clubbed together as the parties are the same.

2. The petitioner is the wife and the respondent is the husband. Their marriage was solemnized on 17.09.2023. Thereafter, due to disputes and differences, the parties have separated.

3. Mr.S.Prabhu, learned Counsel for the petitioner, alleges that the wife was chased out of the matrimonial home, whereas, Mr.Vijayaraj, learned Counsel for the respondent representing Mr.V.R.Appaswamee, would deny the said allegation. He would state that the husband has initiated H.M.O.P.No.183 of 2023 on the file of the Sub-Court at Cheyyar for the purpose of restitution of conjugal rights. Thereafter, the wife also seems to have initiated a proceeding before the learned Judicial Magistrate, Cheyyar invoking the provisions of Protection of Women from Domestic Violence Act, 2005 in D.V.No.2 of 2024.



Tr.C.M.P.Nos.859 and 614 of 2024

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4. The wife would plead that after she was chased out of the matrimonial home by the husband, she shifted with her sister and is currently residing at Madhuravoyal. She pleads that, since she is unable to travel from Chennai to Cheyyar for every hearing, she moved both the Transfer Civil Miscellaneous Petitions that is Tr.C.M.P.No.859 of 2024 to transfer her proceeding in D.V.No.2 of 2024 to the file of the Judicial Magistrate Court No.II, Poonamallee, Chennai and Tr.C.M.P.No.614 of 2024, seeking to transfer the proceeding initiated by her husband in H.M.O.P.No.183 of 2023 from the file of Sub-Court, Cheyyar to the Family Court, Chennai.

5. After hearing both the sides, I am of the view that if one proceeding is transferred from Poonamallee and the other proceeding is transferred to Chennai, it will cause prejudice to both the husband as well as the wife. The husband is said to be a permanent resident of Cheyyar and considering the distance between Cheyyar and Chennai, it will be unfair on the part of the wife to demand that the husband has to appear before the Family Court, Chennai.



Tr.C.M.P.Nos.859 and 614 of 2024

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6. Taking into consideration the overall circumstances including the convenience of the wife, I am inclined to pass the following order:-

(i) H.M.O.P.No.183 of 2023, on the file of the Sub-Court, Cheyyar, is withdrawn and transferred to the file of the Sub-Court, Poonamallee, Chennai;

(ii) D.V.No.2 of 2024, on the file of the Judicial Magistrate Court, Cheyyar is withdrawn and transferred to the file of the Judicial Magistrate Court No.II, Poonamallee, Chennai;

(iii) The learned Judicial Magistrate No.II, Poonamallee, Chennai is requested to give a date in the domestic violence proceedings, as far as possible, which will coincide with the date that is given by the Subordinate Court, Poonamallee, Chennai so as to obviate the necessity of the husband to travel twice to attend the hearings.

7. With the above directions, these Transfer Civil Miscellaneous Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

13.09.2024

Index : yes/no
Speaking order/Non-speaking order



Tr.C.M.P.Nos.859 and 614 of 2024

Neutral Citation : yes/no
grs

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To

1. The Judicial Magistrate,
Cheyyar.
2. The Judicial Magistrate No.II,
Poonamallee.
3. The Subordinate Judge,
Cheyyar.
4. The Subordinate Judge,
Poonamallee, Chennai.



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Tr.C.M.P.Nos.859 and 614 of 2024

V.LAKSHMINARAYANAN, J.

grs

Tr.C.M.P.Nos.859 and 614 of 2024
and C.M.P.Nos.18915 and 13233 of 2024

13.09.2024