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Tr.C.M.P.Nos.791 & 687 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.Nos.791 & 687 of 2023 &
C.M.P.Nos.19087 & 16832 of 2023

Anitha ... Petitioner in both petitions

-Versus-

Rakul ... Respondent in both petitions

Prayer in Tr.CMP.No.791 of 2023:Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to transfer the proceedings in DVC.No.95 of 2021 on the file of the Judicial Magistrate-II, Pondicherry to the George Town Court at Chennai.

Prayer in Tr.CMP.No.687 of 2023:Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to transfer the proceedings in MOP.No.320 of 2021 on the file of the Family Court at Pondicherry to the file of the Family Court at Chennai.

For Petitioner : *Mr.R.Murali Krishnan*

For Respondent : *Mr.E.V.Chandru*

COMMON ORDER

Both the transfer petitions have been filed seeking transfer of



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proceedings initiated by the husband against the wife.

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2. E.V.Chandru submits that wife has filed a maintenance petition in MP.No.656 of 2023 under section 125 of Cr.P.C. before the II Additional Family Court at Chennai.

3. Considering the fact that the wife is residing in Chennai and is taking treatment here, I feel that it will be harsh to push the parties to Pondicherry for every hearing. Accordingly, DVC No.95 of 2021 is withdrawn from the file of the Judicial Magistrate Court II, Pondicherry and is transferred to the file of the XVI Metropolitan Magistrate at George Town Court, Chennai. Similarly, MOP.No.320 of 2021 is withdrawn from the file of Family Court at Pondicherry and transferred to the file of the II Additional Family Court at Chennai to be heard and disposed of along with M.C.No.656 of 2023.

4. It is made clear that both the XVI Metropolitan Magistrate as well as the II Additional Family Court at Chennai need not insist upon the personal appearance of the parties for every hearing. As rightly pointed out by E.V.Chandru, Form-VII attached to the protection of Women from Domestic Violence Act 2005 permits a party to appear through a counsel before the



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Court. Similarly, if an *Amicus Curiae* petition is filed in terms of the Family

Courts Act before the II Additional Family Court, the learned judge may consider the same, taking note of the fact that the petitioner will have to travel all the way from Pondicherry to Chennai for every hearing. Therefore, the presence of the party may be insisted upon only for hearings where his presence is indispensable. On all other dates, he may be represented through a counsel.

5. With the above direction, the transfer civil miscellaneous petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

08.04.2024

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Index : yes / no

Neutral Citation : yes / no

Speaking / Non Speaking Order

To

1.The Judicial Magistrate-II, Pondicherry

2.The XVI George Town Court at Chennai.



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3.The Family Court at Pondicherry

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V.LAKSHMINARAYANAN, J.

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