



Tr CMP.No.1018 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2024

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.1018 of 2024 &
CMP.Nos.22205 & 22233 of 2024

1.M.Charlet Vasantha Leela
2.S.Manoharan : Petitioners

versus

1.S.Divya
2.Minor S.D.Rithwikmano
Rep. By Natural Guardian S.Divya
3.Minor S.D.Sithwikmano
Rep. By Natural Guardian S.Divya : Respondents

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw D.V.No.31 of 2024 filed under section 12 of Protection of Women from Domestic Violence Act (43 of 2005) pending on the file before the Court of the Additional Mahila at Alandur, Chennai and transfer the same to the Family Court Campus, Nagarcoil.

For Petitioners : Mr.R.Swarna Raj and



Tr CMP.No.1018 of 2024

Mr.Sridhar for
Mr.B.William

ORDER

This transfer petition is at the instance of the in-laws of the first respondent. The first respondent solemnized her wedding with the son of the transfer petitioners on 04.09.2016 at Pannaiyur, Chettikulam, Tiruvannamalai District. From the wedlock, two children were born on 28.05.2017 and 10.05.2020. The children are aged 7 and 4 years respectively. Alleging that she faced mental and physical abuse, as well as financial demands from the transfer petitioners and their son, the first respondent presented DVC.No.31 of 2024 on the file of the Additional Mahila Court at Alandhur.

2. Pleading that the first petitioner is a cancer survivor and the second petitioner is of advanced age (76 years), this transfer petition has been moved before this Court. The relief that is sought for is to transfer of proceedings from the file of the Court at Alandhur to the file of any competent court at Nagarcoil.



Tr CMP.No.1018 of 2024

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3. I have gone through the affidavit as well as the petition filed in DVC.No.31 of 2024.

4. The relationship between the parties is not in dispute. The respondents 2 and 3 are aged about 7 and 4 respectively. The children are said to be studying at Ashram school, Guindy in Chennai and at Greens Lawns School at Adambakkam in Chennai, respectively. The children are in the custody of the first respondent/mother. The first respondent has given her permanent residential address as SBI Colony, Adambakkam, Chennai.

5. Being an aggrieved person, she has initiated domestic violence proceedings. While dealing with a transfer application, the court has to take into convenience that of the aggrieved person and her children. If the petitioners find it difficult to travel from Nagarcoil to Chennai, then if I were to transfer the proceedings from Chennai to Nagarcoil, the respondents would be put to hardship and serious prejudice. The mother cannot leave the children behind at Chennai and travel to Nagarcoil for the purpose of attending the litigation.



Tr CMP.No.1018 of 2024

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6. Taking into consideration the overall circumstances, I am not inclined to entertain the transfer. **This transfer petition is dismissed.** No costs. Consequently, the connected miscellaneous petitions are closed.

7. However, considering the fact that the first petitioner is a cancer survivor and the second petitioner is undergoing treatment relating to reduced hearing, their presence is dispensed with for all non essential and procedural hearings. However, they shall be represented by a counsel on all the hearings. They shall present themselves in court whenever their appearance is essential or when so directed by the learned Judicial Magistrate.

03.10.2024

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Index : Yes/No

Speaking Order/Non speaking order

Neutral Citation : Yes/No



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Tr CMP.No.1018 of 2024

To

- 1.The Additional Mahila at Alandur, Chennai
- 2.The Family Court Campus, Nagarcoil.



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Tr CMP.No.1018 of 2024

V.LAKSHMINARAYANAN, J.

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Tr CMP.No.1018 of 2024

03.10.2024