



WEB COPY



Tr.CMP.No.994 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.CMP No.994 of 2023

and

CMP.No.23877 of 2023

G.Geetha

... Petitioner

-Versus-

1.Mathyalagan

2.Pathivizhli

... Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. seeking to withdraw and transfer DV Case No.4 of 2018 pending on the file of the learned Judicial Magistrate, Pattukottai to Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : *Mr.S.N.Subramani*

For Respondents : *Mr.P.Thiyagarajan*

ORDER

The petitioner seeks to withdraw DVC.No.4 of 2018 pending on the file of the Judicial Magistrate, Pattukottai and transfer the same to the file of the Metropolitan Magistrate, Saidapet.



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2. Notice was ordered in the application on 30.10.2023. Notice was served and Mr.P.Thiyagarajan appears for the respondent/husband.

3. Mr.P.Thiyagarajan would state that after filing the Domestic Violence Case, the trial has commenced in the proceedings and three witnesses have been examined by the wife, and at that stage, the husband has taken out an application for recall the evidence of PW1, wife.

4. As trial has already commenced and substantial evidence has been recorded by the petitioner, I do not find it to be a fit case for transfer.

5. At this stage, Mr.S.N.Subramani learned counsel for the petitioner submitted that the matter has been pending for a period of six years without any substantial progress.

6. As trial has already commenced and substantial evidence has been recorded on the side of the wife, the learned Judicial Magistrate, Pattukottai, is requested to dispose of the matter on or before 30.11.2024.

7. With the above direction, this transfer civil miscellaneous petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

11.06.2024

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Index : Yes/No
Speaking Order/Non-speaking order



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Neutral Citation : Yes/No

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To

- 1.The Judicial Magistrate, Pattukottai
- 2.The Metropolitan Magistrate, Saidapet, Chennai



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V.LAKSHMINARAYANAN, J.
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