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Transfer C.M.P.No.1019 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Transfer C.M.P No.1019 of 2023 &
C.M.P.No.24551 of 2013

1.K.M.Saravana Kumar

2.Suseela

3.V.K.Mani

4.Satish

... Petitioners

-Versus-

Uthra Madhavan

... Respondent

Transfer civil miscellaneous petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer D.V.C.No.4 of 2023 pending on the file of the learned District Munsiff cum Judicial Magistrate, Ranipet to the file of any Magistrate Court, Chennai or to the file of the learned 2nd Additional Family Court at Chennai

For Petitioner : Mr.M.V.Seshachari

For Respondent : Mr.Salai Varun Isai Azhagan

ORDER

The petitioners are the husband, father-in-law, mother-in-law and brother-in-law of the respondent. The first petitioner and respondent entered



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into matrimony on 10.03.2019 at Tiruvalam near Ranipet. Thereafter, the first petitioner and respondent set up their matrimonial home at USA. Due to disputes and differences, the wife came back to India and she secured an employment with Chennai Metro Water Supply and Sewerage Board.

2. The first petitioner/husband is contesting the proceedings through his power agent, the third petitioner/his father. Pleading that two proceedings namely HMOP.No.5726 of 2022 and HMOP.No.5738 of 2022 are pending before the II Additional Family Court in Chennai and further that the wife is working in Chennai, the husband and in-laws have moved this petition seeking transfer of D.V.C.No. 4 of 2023 from the file of Judicial Magistrate Court, Ranipet, to the file of any Magistrate Court in Chennai.

3. This Court issued notice on 2.11.2023 and the respondent entered appearance through Mr.Salai Varun Isai Azhagan.

4. The respondent/wife has filed a counter objecting to the transfer. She would plead that she is suffering from Rheumatoid Arthritis and is taking treatment from Sri Narayani Hospital and Research Centre, Vellore. Stating that



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she was not able to continue with her employment on account of her sickness, the counsel has also produced a letter of resignation sent by her to the Managing Director of CMWSSB, Chennai.

5. Due to the change in circumstances, I do not think it will be in the interest of the convenience of the wife who is already suffering from Rheumatoid Arthritis to make her travel from Ranipet to Chennai for D.V.C hearings. At the same time, I have to take note of the fact that the petitioners 2 and 3 are senior citizens and the fourth petitioner is only the brother-in-law of the respondent.

6. Taking into consideration the overall circumstances, this transfer petition is dismissed. However while holding in favour of the respondent, considering the age and relationship of the petitioners 2 to 4 with the respondent, their appearance for every hearing is dispensed with. They shall however, be present for the essential hearing as may be directed by the learned Judicial Magistrate at Ranipet.

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Index : yes / no

Neutral Citation : yes / no

Speaking / Non Speaking Order



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V.LAKSHMINARAYANAN, J.

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To

1.The District Munsiff Cum Judicial Magistrate, Ranipet

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