



WEB COPY



Tr.C.M.P. No.1229 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2024

CORAM

THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

Tr.C.M.P. No.1229 of 2024

1.P.Vinothkumar
2.M.Palanivel
3.P.Santhi

.. Petitioners

VS

V.Mythili

.. Respondent

Petition filed under Section 24 of CPC to withdraw and transfer the trial in D.V.C.No.1 of 2021 on the file of the learned Judicial Magistrate – I, Sankari to any other Judicial Magistrate Court either in Namakkal District or Erode District.

For Petitioners : Mr.A.P.Venkatakannan

For Respondent : Ms.K.Komala

ORDER

The transfer petition is at the instance of the husband and his parents. D.V.C. No.1 of 2021 has been presented by the wife seeking several reliefs under Sections 17 to 20 and 22 of The Protection of Women From Domestic Violence Act, 2005.



Tr.C.M.P. No.1229 of 2024

WEB COPY

2. The petitioners plead that the learned Judge who is dealing with the matter at Sankari is holding twin post of Judicial Magistrate at Sankari as well as Judicial Magistrate, Edapadi. Learned counsel submits that when the first petitioner wanted to let in evidence, the learned Judge closed the evidence and had posted the matter for arguments. I had issued notice to the respondent wife. She has been served. Ms.K.Komala has entered appearance.

3. Heard Mr.A.P.Venkatakannan for petitioners and Ms.K.Komala for the respondent.

4. The proceedings are at the advanced stage of disposal. Hence, I am not inclined to withdraw the proceedings from the Judicial Magistrate – I, Sankari and transfer it to any other Court. However, the plea raised by Mr.A.P.Venkatakannan is reasonable. He states that as the evidence has been closed, there is nothing much left for the petitioners to argue before the learned Magistrate. He pleads if one opportunity is granted to the petitioners, they will proceed with the trial. He states that the first petitioner will appear before the Magistrate and file his proof affidavit on 10.12.2024. On that date, the trial Court is requested to record his evidence in chief



Tr.C.M.P. No.1229 of 2024

and to post the matter for cross-examination between 11.12.2024 and 13.12.2024. After conclusion of evidence of D.W.1, learned Judge shall close evidence of parties and thereafter, hear the arguments and pronounce the judgment on or before 10.01.2025.

5. The learned Judge is requested to act on a web copy of this order and not wait for a certified copy.

6. With the above direction, the Transfer Civil Miscellaneous petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.12.2024

Index:Yes/No
Neutral Citation:Yes/No
mmi

P.S.: Upload by 09.12.2024

To

The Judicial Magistrate – I,
Sankari.



WEB COPY



Tr.C.M.P. No.1229 of 2024

V. LAKSHMINARAYANAN,J.

mmi

Tr.C.M.P. No.1229 of 2024

06.12.2024