



TR.C.M.P. (MD) No. 332 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 26.07.2024**

**CORAM**

**THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY**

TR.C.M.P. (MD) No. 332 of 2024

and

C.M.P. (MD) No. 7411 of 2024

1.Jahir Hussain  
2.Banu  
3.Salim Malik

... Petitioners/  
Respondents 5 to 7

-VS-

1.Shagarban  
2.Nizag Ahamed @ Nizath Ahamed  
3.Agbiya Parveen  
4.Rabiyudeen  
5.Kamil Mohammed

... 1<sup>st</sup> Respondent/  
Petitioner

... Respondents 2 to 5/  
Respondents 1 to 4

**Prayer:-** Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw the petition in D.V.C.No.3 of 2022 pending on the file of the learned Judicial Magistrate Court, Aranthangi and transfer the same to the other learned Judicial Magistrate Court, within Pudukottai District.



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For Petitioner : Ms.R.Paranjothi

For Respondents : Mr.R.Prasanna for R1  
No appearance for R2 to R5

## **ORDER**

The Transfer Civil Miscellaneous Petition is filed by the petitioners, who are arrayed as Respondent Nos.5 to 7 in D.V.C.No.3 of 2022, to transfer the case from the file of the learned Judicial Magistrate Court, Aranthangi, to some other court.

2. The reason for transfer is that earlier there was an endorsement in their favour and upon application of the respondent wife, the endorsement was allowed to be resiled and since they filed a civil revision petition even though they lost, they apprehend that they may not get a fair trial before the same Court.

3. The learned Counsel appearing on behalf of the respondent wife would submit that the said Presiding Officer who was in charge at the said time has also since been transferred and therefore, the apprehension is unfounded.



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4. At this juncture, the learned Counsel for the petitioners would submit that the petitioners are finding it difficult to travel up to Aranthangi and appear in this case. In view thereof, this Transfer Civil Miscellaneous Petition is disposed on the following terms:-

(i) The prayer of the petitioner to transfer D.V.C.No.3 of 2022 from the file of the Judicial Magistrate Court, Aranthangi, is dismissed.

(ii) However, the appearance of the petitioners before the learned Judicial Magistrate, Aranthangi, is dispensed with.

Consequently, the connected Miscellaneous Petition is closed. No costs.

**26.07.2024**

Index : No  
Internet : Yes  
PKN

To

1.The Judicial Magistrate Court, Aranthangi.



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**D.BHARATHA CHAKRAVARTHY, J.**

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