



Tr.C.M.P(MD).No.545 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.545 of 2024
and
C.M.P(MD)No.12992 of 2024

E.Edward David Sundararaj : Petitioner

Vs.

1.J.Shali Kokila

2.E.Kevin Rufus : Respondents

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in D.V.No.3 of 2024 on the file of the learned Additional Mahila Judge, Alandur, Chennai and transfer to the file of any competent Court at Tirunelveli.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : No Appearance

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in D.V.No.3 of 2024 from the file of the Additional Mahila Court, Alandur, Chennai and transfer to the file of any competent Court at Tirunelveli.



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2. It is evident from the records that the marriage between the petitioner's son and the first respondent was solemnized on 28.12.2018. It is not in dispute that the first respondent has filed a petition in D.V.O.P.No.179 of 2023 and the same is pending on the file of the Family Court, Tirunelveli. It is also not in dispute that the first respondent has also filed a complaint invoking the provisions of Domestic Violence Act in D.V.No.3 of 2024 and is pending on the file of the Additional Mahila Court, Alanthur at Chennai. The present petitioner, who is the father-in-law of the first respondent has approached this Court seeking transfer on the ground that the petitioner is not well and is a senior citizen.

3.Despite receipt of Court notice, the first respondent has not turned up.

4.It is pertinent to note that the first respondent, after filing the divorce petition before the Family Court, Tirunelveli, has filed the present DVC petition before the Family Court, Alandur, Chennai.

5.Considering the facts and circumstances of the case and taking note of the fact that the petitioner's age and his ill-health and the place of residence at Palayamkottai, Tirunelveli District and also the fact that the first respondent



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has not entered into appearance, despite receipt of notice, this Court is inclined to transfer the petition in D.V.No.3 of 2024 from the Additional Mahila Court, Alanthur at Chennai to the file of the Additional Mahila Court, Tirunelveli. The learned Additional Mahila Judge, Alanthur at Chennai, is hereby directed to transmit the entire records in D.V.No.3 of 2024 to the file of the Additional Mahila Court, Tirunelveli, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case bundle, the learned Additional Mahila Judge, Tirunelveli, is directed to take up the petition on file and proceed in accordance with law.

6. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

09.12.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das



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K.MURALI SHANKAR, J.

DAS

To

- 1.The Additional Mahila Judge, Alandur, Chennai.
- 2.The Additional Mahila Court, Tirunelveli.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Tr.C.M.P (MD).No.545 of 2024
and
C.M.P(MD)No.12992 of 2024

09.12.2024