



TR.CMP(MD).No.464 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.464 of 2023 and
CMP(MD).No. 10052 of 2023

Divya

... Petitioner

Vs.

1.Bhanu Rekha
2. Minor Tharunikha
(2nd respondent rep. by her mother
Bhanurekha)

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case in DVC.No.12 of 2023 pending on the file of the Judicial Magistrate No.I, Mannargudi to the Additional Mahila Magistrate Court, Trichy.

For Petitioner : Mr.M. Chandrabose

For Respondent : Mr.D. Anabarasu

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in DVC.No.12 of 2023 pending on the file of the Judicial Magistrate No.I, Mannargudi and transfer the same to the file of



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the Additional Mahila Magistrate Court, Trichy.

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2. Even though this Transfer CMP has been filed to withdraw and transfer the case in DVC.No.12 of 2023 pending on the file of the Judicial Magistrate No.I, Mannargudi to the file of the Additional Mahila Magistrate Court, Trichy, he restricted his prayer to dispense with the personal appearance of the petitioner before the trial Court.

3. With regard to dispense with the personal appearance of the petitioner, the Co-ordinate Bench of this court in ***Velumani and another Vs. Pavithra and another (CRP(MD)No.2568 of 2023, dated 10/10/2023)*** has observed like this.

*“12.Regarding the petitioner's prayer for dispensing with their personal appearance, it is necessary to refer the following direction in **Arul Daniel's** case above referred.*

“76....

iv.Personal appearance of the respondent(s) shall not be ordinarily insisted upon, if the parties are effectively represented through a counsel. From VII of the D.V Rules, 2006, makes it clear that the parties can appear before the Magistrate either in person or



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through a duly authorized counsel. In all cases, the personal appearance of relatives and other third parties to the domestic relationship shall be insisted only upon compelling reasons being shown. (See Siladitya Basak V. State of West Bengal (2009 SCC OnLine Cal 1903))”.

4.The same may be followed by the petitioner as well as the trial court.

5. With the above said liberty, this Transfer Civil Miscellaneous Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

05.03.2024

Internet : Yes / No

Index : Yes / No

trp

To

1. The Judicial Magistrate No.I, Mannargudi

2. The Additional Mahila Magistrate Court, Trichy.



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G.ILANGOVA, J.

Trp

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