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Tr.C.M.P(MD)No.516 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 22.10.2024

Pronounced on : 29.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.516 of 2024

and

C.M.P(MD)No.12247 of 2024

1.Thilagavathy

2.S.Kalaichelvan

... Petitioners

Vs.

Shiny

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to transfer the case in D.V.C.No.4 of 2021 pending on the file of the Judicial Magistrate No.1 of Mannargudi to the Additional Mahila Court at Trichirappalli.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mr.G.Karnan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the D.V.C.No.4 of 2021 on the file of the Judicial Magistrate No.1, Mannargudi and transfer the same to the file of the Additional Mahila Court, Trichirappalli.



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2. The petitioners are the parents-in-law of the respondent. Their elder son had got marriage with the respondent. Their son died on 10.02.2018 due to cardiopulmonary arrest. Thereafter, the respondent has filed D.V.C.No.4 of 2021 before the Judicial Magistrate Court No.1, Mannargudi seeking for the relief of return of all her belongings. Hence, the petition is filed.

3. The learned counsel for the petitioners has submitted that the petitioners are spouses, who are aged 64 and 67 years. Moreover, the 2nd petitioner is bedridden. Due to old age, the petitioners are struggling without moral support. Moreover, they have filed GWOP before the Family Court, Tiruchirapalli. The petitioners, who are senior citizens, find it very difficult to attend each and every hearing before the Judicial Magistrate Court No.1, Mannargudi by travelling 240 kms. Therefore, the petitioners have filed this transfer petition.

4. Per contra, the learned counsel for the respondent objected the petition. The respondent is living with her two children aged 8 years and 4 years. The respondent has filed DVC only for limited relief of return of her household articles, which was filed in the year 2021. The petitioners



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have filed C.R.P.No.2286 of 2021 before the principal seat of the Madras High Court to quash the DV petition. The said CRP was dismissed on 22.02.2024. The petitioners have their 2nd son, who is maintaining them. Suppressing the fact, the petitioners have filed this petition. So, the respondent's convenience has to be considered.

5. Submissions of both sides and citations are considered. The respondent is the wife of the elder son of the petitioners. The respondent's husband died. The respondent is living with her two children. Due to misunderstandings, the respondent is living separately from the matrimonial home. The respondent filed D.V.C.No.4 of 2021 for return of all her belongings. The respondent's contention that the dismissal of C.R.P.No.2286 of 2021 filed by the petitioners to quash the D.V.C.No.4 of 2021 was not objected by the petitioners. Only on the grounds of age, the petitioners now sought transfer. In DV case, the petitioners can conduct the case through authorized person/advocate and also their 2nd son is living with them. The respondent being the wife of the deceased elder son of the petitioners is living with her two children. It is well settled proposition of law, whenever the transfer petition is filed in matrimonial disputes, the convenience of the wife should be



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predominantly looked into and the wife's convenience shall be given preference. Therefore, taking note of the settled position of the convenience of the wife in matrimonial cases, I am of the view that the present petition filed by the petitioners/parents-in-law is liable to be dismissed.

6. In the result, this Transfer Miscellaneous Petition is dismissed.

No costs. Consequently, the connected miscellaneous petition is closed.

29.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Judicial Magistrate No.1,
Mannargudi
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
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