



Tr.C.M.P(MD)No.494 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.494 of 2024

and

C.M.P(MD)No.11683 of 2024

1.Kaviya Priya

2.Minor Surveshkumaran

... Petitioners

*(2nd petitioner represented by its guardian
Kaviya Priya/1st Petitioner)*

Vs.

1.Kalidasan

2.Muthuraj

3.Mariammal

4.Sivakami

5.Pitchaikani

6.Bharathidasan

7.Damodharakannan

... Respondents

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in D.V.C.No.5 of 2021 on the file of the Judicial Magistrate Court, Sivagiri, Tenkasi District and transfer the same to the Judicial Magistrate Court, Rajapalayam, Virudhunagar District.



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For Petitioner : Mr.T.Indrachithu
For R1, R2, R4 to R7 : Mr.P.Muthuvel
For R3 : No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in D.V.C.No.5 of 2021 on the file of the Judicial Magistrate Court, Sivagiri, Tenkasi District and transfer the same to the Judicial Magistrate Court, Rajapalayam, Virudhunagar District.

2. The facts in brief:

The first petitioner herein is the wife and the first respondent is the husband. The marriage between the first petitioner and the first respondent was solemnized on 12.09.2018 at Chindamani Nathar Thirukovil, Vasudevanallur as per Hindu rites and customs. Out of wedlock, they blessed with a male child namely Surveshkumar aged 6 years. Due to some difference of opinion, they have separated. The first respondent/husband filed a petition in H.M.O.P.No.55 of 2021 before the Sub Court, Sankarankovil, seeking divorce and the first petitioner has also filed a petition in D.V.C.No.5 of 2021 before the Judicial Magistrate Court, Sivagiri.



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3. The learned counsel for the petitioners submitted that now the case in D.V.C.No.5 of 2021 pending on the file of the learned Judicial Magistrate Court, Sivagiri, Tenkasi District is in the stage for evidence. Unless the case is transferred to some other Court, the first petitioner cannot proceed with the case in free and fair atmosphere. Hence, she seeks to transfer the case as prayed for.

4. The learned counsel for the respondents 1, 2, 4 to 7 submitted that there is no objection for allowing this petition and prayed this Court that the time frame may be fixed to dispose of the case.

5. Considering the facts and circumstances of the case and also considering the convenience of the first petitioner/wife, this Court is inclined to allow this petition.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and D.V.C.No.5 of 2021 pending on the file of the Judicial Magistrate Court, Sivagiri, Tenkasi District, is hereby withdrawn and transferred to the file of the Judicial Magistrate Court, Rajapalayam, Virudhunagar District.



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7. The learned Judicial Magistrate, Sivagiri, Tenkasi District, is directed to transmit the entire records pertaining to the case in D.V.C.No. 5 of 2021 to the Judicial Magistrate Court, Rajapalayam, Virudhunagar District, within a period of three weeks from the date of receipt of a copy of this order. On receipt of records, the learned Judicial Magistrate, Rajapalayam, Virudhunagar District, is directed to take the case on file and dispose of the same within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

01.10.2024

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

To

- 1.The Judicial Magistrate,
Sivagiri, Tenkasi District.
- 2.The Judicial Magistrate,
Rajapalayam, Virudhunagar District.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

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