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C.R.P.(MD)No.3404 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23/01/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

C.R.P (MD)No.3404 of 2023

and

CMP (MD) Nos.17570 and 17571 of 2023

1.Chellapandi

2.Pandi

3.Pandiammal

4.Murugeswari

: Petitioners/Petitioners

Vs.

G.Thilagavathy

: Respondent/Respondent

PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to transfer the Domestic Violence Case in DV No.17 of 2023 on the file of the Judicial Magistrate, Rajapalayam to the file of the Judicial Magistrate, Tirumangalam and pass such further or other orders.

For Petitioners : Mr.S.Sivailayaraja

For Respondent : No appearance

O R D E R

This civil revision petition has been filed seeking transfer of the case in DV No.17 of 2023 from the file of the Judicial Magistrate, Rajapalayam to the file of the Judicial Magistrate, Tirumangalam.



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2. The facts in brief:-

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DVC No.17 of 2023 was filed by the respondent herein under section 12 of the Act seeking several reliefs against the petitioners herein and others. Pending further process, this revision is filed by the petitioners stating that the first petitioner is working in Tamil Nadu Police Service and now he is working as Gunman in the Office of Commissioner of Police, Tirupur. The marriage between the first petitioner and the respondent herein took place on 31/08/2022 as per the family and religious customary rites. The marriage did not consummate. The respondent stated that she is not interested in the matrimonial life. She is also suffering from skin disease. Earlier the first petitioner left Tirupur to report duty on 06/09/2022. But the respondent did not accompany him. He filed HMOP No.235 of 2023 before the Sub Court, Tirumangalam seeking divorce. Pending that, the present petition is filed before the Judicial Magistrate, Rajapalayam, taken cognizance in DV No.17 of 2023. On that account, this petition is filed seeking transfer of the case in DV No.17 of 2023 from the file of the Judicial Magistrate, Rajapalayam to the file of the Judicial Magistrate, Tirumangalam.



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3. Even though notice served none appears for the respondent. So the petitioners were heard.

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4. The learned counsel appearing for the petitioners would submit that even though the petition is not filed under section 24 of the CPC to transfer of the case DV No.17 of 2023 from the file of the Judicial Magistrate, Rajapalayam, to the file of the Judicial Magistrate, Tirumangalam, as per the judgment of the Hon'ble Supreme Court in **Arul Danial Vs. Suganya (2022 (3) MWN (CR.) 539 (FB)**, they are entitled to file CRP even for transfer.

5. Since the connected matter is pending before the Sub Court, Tirumangalam in HMOP No.235 of 2023 for the convenience of both parties, I am of the considered view that the present subject petition namely the case in DV No.17 of 2023 may be withdrawn from the file of the Judicial Magistrate, Rajapalayam and transferred to the Judicial Magistrate, Tirumangalam.

6. In the result, this civil revision petition is **allowed**. Accordingly, the case in DV No.17 of 2023 pending on the file of the Judicial Magistrate, Rajapalayam stands transferred to the Judicial



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Magistrate, Tirumangalam. The Judicial Magistrate, Rajapalayam is directed to transmit the case papers to the Judicial Magistrate, Tirumangalam within a period of four weeks from the date of receipt of a copy of this order. After receiving the records, the Judicial Magistrate, Tirumangalam, may assign new number and conduct the trial, after issuing notice to the parties for appearance and dispose the case in accordance with law.

7.With the above-said directions, the Civil Revision Petition stands **allowed**. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

23/01/2024

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Judicial Magistrate,
Rajapalayam,
Virudhunagar district.
- 2.The Judicial Magistrate,
Tirumangalam,
Madurai District.
- 3.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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