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Tr.C.M.P.No.73 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.73 of 2025
& C.M.P.No.1453 of 2025

S.Latheef Sheikh

.. Petitioner

Vs

Jeelani Fathima

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in D.V.C.No.16 of 2024 pending on the file of the learned Judicial Magistrate at Periyakulam and transfer the same to the file of the learned Metropolitan Magistrate, Saidapet at Chennai.

For Petitioner : Mr.R.Premanandhan



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ORDER

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This transfer petition is at the instance of the husband. He seeks withdrawal of D.V.C.No.16 of 2024 from the file of the learned Judicial Magistrate at Periyakulam and transfer the same to the file of the learned Metropolitan Magistrate, Saidapet at Chennai.

2.The petitioner is the husband and the respondent is the wife. It is not in dispute that the wife is residing at Thenkarai near Periyakulam in Theni District. It is also not in dispute that the petitioner and the respondent entered into matrimony on 22.01.2018. From the wedlock, a female child was born on 13.07.2019. Due to disputes and differences, the parties have separated. The husband claims he pronounced triple talaq, the last on which 05.10.2021.

3.The wife has initiated D.V.C.No.16 of 2024 on the file of the learned Judicial Magistrate at Periyakulam. After having received the summons, the husband has moved this transfer petition. He pleads that there is an undue delay of three years in invoking the domestic violence petition. He pleads his father and mother having age related issues and



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since they are residing with him, he has to take care of them. He pleads that there is a lack of safety in case he travels from Chennai to Periyakulam to attend the hearing. Hence, this transfer.

4.I heard Mr.R.Premanandhan for the transfer petitioner.

5.When the matrimonial issues are considered by this Court for the purpose of transfer, precedence should be given to the interest of the wife. The wife is residing in Periyakulam along with her female child, who is aged about five years today. If Periyakulam and Chennai are separated by 500 kilometers for the husband, I am sure, it is separated by the same distance for the wife. It will be harsh on my part, If I were to entertain the transfer and drag a woman that too raising a child from Periyakulam to Chennai. Hence, I am not inclined to entertain this transfer.

6.At this stage, the matter may be referred to mediation. The learned Judicial Magistrate at Periyakulam is requested to verify the husband and wife, if they are willing to settle the matter through mediation. If they are so willing, the learned Judge is requested to send the matter for mediation to the Mediation Centre attached to the District



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Court in Theni District.

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7.I notice that the 2nd and 3rd respondents in D.V.C.No.16 of 2024 are aged about 68 & 72 years respectively. Apart from that, the 4th respondent in D.V.C.No.16 of 2024 seems to be the brother of the transfer petitioner. Considering their age and relationship, their appearance before the learned Judicial Magistrate at Periyakulam is dispensed with. However, they shall represent by their counsel on all hearing dates. They shall present themselves before the Court, when the Judicial Magistrate passes a specific order to that effect or when their presence is indispensable.

8.With the above directions, the transfer petition stands dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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To



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The Judicial Magistrate at Periyakulam.

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V. LAKSHMINARAYANAN,J.

Kj

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