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Tr.CMP. Nos.119, 123 & 378 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.06.2025**

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THE HONOURABLE MR JUSTICE P.B. BALAJI

TR.CMP. Nos.119, 123 & 378 of 2025

and CMP. Nos.2483, 2584 & 8408 of 2025

TR.CMP. No.119 of 2025

1. Mrs.D.Preethi

2. Ms.D.P.Shivanya (Minor),
D/o.S.Deenadayalan

....Petitioners

Vs

Mr.S.Deenadayalan

....Respondent

PRAYER: This Transfer Civil Miscellaneous Petitions are filed under Section 24 of CPC, to withdraw the M.C.No.02 of 2024, pending on the file of District Munsif cum Judicial Magistrate, Uthiramerur and transfer the same to the Judicial Magistrate Court at Chennai.

TR.CMP. No.123 of 2025

Mrs.D.Preethi

....Petitioner

Vs

1. Mr.S.Deenadayalan

2. Mrs.S.Parvathi

....Respondent



Tr.CMP. Nos.119, 123 & 378 of 2025

PRAYER: This Transfer Civil Miscellaneous Petitions are filed under Section 24 of CPC, to withdraw D.V.C. No.01 of 2023, pending on the file of District Munsif cum Judicial Magistrate, Uthiramerur and transfer the same to the Judicial Magistrate Court at Chennai.

TR.CMP. No.378 of 2025

Mrs.D.Suganya @ Preethi

....Petitioner

Vs

Mr.S.Deena @ Deenadayalan

....Respondent

PRAYER: This Transfer Civil Miscellaneous Petitions are filed under Section 24 of CPC, to withdraw O.P. No.258 of 2023, pending on the file of Principal Sub Judge, Kancheepuram and transfer the same to a Family Court at Chennai.

For Petitioner : Mr.S.Sidhartha Vishnu in all CRPs

For Respondent : Ms.M.Kokila for
Mr.S.Senthilvel in all CRPs

COMMON ORDER

These Tr.CMPs have been filed seeking transfer of the divorce petition filed by the respondent/husband, which is now pending before the learned Principal Sub Judge, Kancheepuram and also Maintenance Case filed by the petitioner/wife herself, which is pending before the District Munsif cum Judicial Magistrate, Uthiramerur and also before the very same Judge, the Domestic Violence Case has also been filed by the



petitioner herself.

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2. The learned counsel for the petitioner states that the petitioner has to take care of her 5 year old daughter and also aged parents and now the petitioner resides in Chennai and hence, the transfer request has been made by way of the above Tr.CMPs.

3. Per contra, learned counsel for the respondent/husband would state that the petitioner had earlier moved this Court in transfer Tr.CMP. No. No.3834 of 2022 seeking transfer of divorce proceedings from Chengalpattu to Kancheepuram and the same came to be allowed. Now, the petitioner/wife has once again approached this Court seeking transfer of the very same case to Chennai. He would therefore submitted the petitioner only intends to harass the respondent/husband with the second transfer request. He would further submit that the respondent is working as a Manager holding a responsible post in IT Company and he cannot take frequent leave and it may risk his very job itself. He would pray for dismissal of the above Transfer Miscellaneous Petitions.



4. I have carefully considered the submissions advanced by the learned counsel on either side.

5. As repeatedly held by the Hon'ble Supreme Court as well as this Court, the paramount consideration in such matters requesting transfer of matrimonial proceedings, should be the convenience of the wife. Therefore, accepting the reasons that have been assigned for transfer, I am inclined to entertain the transfer petitions.

6. Accordingly, the Transfer Civil Miscellaneous Petitions are allowed and the cases in M.C.No.02 of 2024 & D.V.C. No.1 of 2023 pending before the learned District Munsif cum Judicial Magistrate, Uthiramerur are hereby withdrawn and transferred to the file of V Metropolitan Magistrate, Saidapet. O.P. No.258 of 2023, pending on the file of Principal Sub Judge, Kancheepuram is hereby withdrawn and transferred to the Family Court, Chennai. The said O.P. No.258 of 2023 shall be taken up either by the Principal Family Court Judge, Chennai or assigned to any of the other Family Courts considering backlog and pendency of cases. It is made clear that the Family Court, Chennai and



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V Metropolitan Magistrate, Saidapet to which the cases are transferred shall not insist upon the physical presence of the parties for all hearing dates, except where it is absolutely necessary for the purpose of his/her examination. In the domestic violence complaint, the physical presence of the other accused is also dispensed with.

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7. It is brought to my notice that even in the earlier Tr.CMP. No.953 of 2022, this Court had directed expeditious disposal of the divorce proceedings. However, it is seen that despite lapse of more than two and half years, the divorce petition is still pending. Hence, the Family Court which is taking up the matter, post transfer, shall expedite the hearing of the divorce proceedings and pass final orders, in any event, within a period of six (6) months from the date of receipt of the copy of the order. There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

25.06.2025

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Index : Yes / No

Internet : Yes / No



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P.B.BALAJI, J.,

rkp

To:

1. The District Munsif cum Judicial Magistrate, Uthiramerur.
2. The Judicial Magistrate Court at Chennai.
3. The Principal Sub Judge, Kancheepuram.
4. The V Metropolitan Magistrate, Saidapet.

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