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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.CMP.No.175 of 2024

& CMP.No.3511 of 2024

M.Valliammai

... Petitioner

Vs.

1.K.Narayanan

2.Kannathal

... Respondents

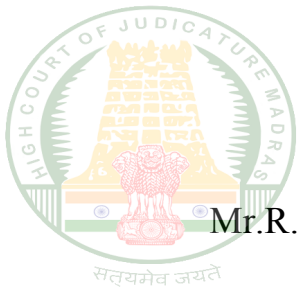
Prayer: The Transfer Civil Miscellaneous Petition filed under Section 24 r/w 151 of CPC, to withdraw DVC.No.108 of 2022 filed by the petitioner herein from the file of the XVII Metropolitan Magistrate Court, Saidapet, Chennai and transfer the same to the file of the learned Additional Mahila (Judicial Magistrate), Sivagangai.

For Petitioner : Mr.H.Maruthiraj

For Respondents : Mr.R.R.Raghavan

ORDER

The Civil Revision Petition has been filed to withdraw DVC.No.108 of 2022 filed by the petitioner herein from the file of the XVII Metropolitan Magistrate Court, Saidapet, Chennai and transfer the same to the file of the learned Additional Mahila (Judicial Magistrate), Sivagangai.

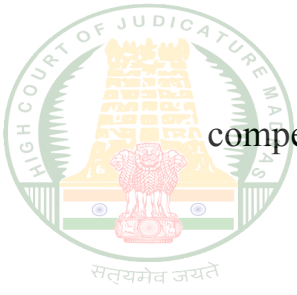


2.I have heard Mr.H.Maruthiraj, learned counsel for the petitioner and Mr.R.R.Raghavan, learned counsel for the respondents.

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3.Pursuant to my order dated 27.06.2025, the petitioner/wife has filed a sworn affidavit dated 08.07.2025 before the Notary Public stating that she resides along with her mother only at Sivagangai and that recently her father also passed away.

4.The case of the revision petitioner/wife is that she was residing in Chennai, along with her parents for the medical needs of her parents for three years and during that time, the domestic violence proceedings were initiated before the XVII Metropolitan Magistrate Court, Saidapet, Chennai. However, subsequently, the petitioner along with her parents had to shift to Madurai where they are deciding to reside a brief period and in January 2025, according to the petitioner, her father also passed away and subsequently, the petitioner along with her aged mother are residing only at Sivagangai. The petitioner expresses difficulties to travel all the way to Chennai to attend the hearings in H.M.O.P.No.1552 of 2018, initiated by her at Chennai, while she was residing here at that point of time, has come forward with the present application seeking transfer of the same to the



competent Court at Sivagangai.



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5.The learned counsel for the respondent has opposed the transfer petition. In fact, even at the last hearing, the learned counsel for the respondent stated that the wife is residing only at West Mambalam, Chennai and for the purposes of harassing the respondent, the petitioner has furnished a false address. He would also point out that the petitioner herself has mentioned three different addresses, one at Chennai, one at Madurai and one at Sivagangai and he would therefore contend that there are no bonafides in the application for transfer. He would further state that the petitioner has admittedly filed a maintenance case which is pending before the Family Court, Madurai and such proceedings are being attended personally only by the petitioner. He would therefore seek for transfer of the domestic violence proceedings at least to Madurai, in the event of this Court entertaining the request for transfer, despite the contentions of the respondent that the petitioner has not come to Court with clean hands.

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

7.The petitioner, in compliance of my order dated 27.06.2025, has



also filed her sworn affidavit stating that after the death of her father in January 2025, she has been residing at her native place at Sivagangai, along with her mother at No.3/41, Alavakottai Village and Post, Sivagangai Taluk and District.

8.On being put a question regarding the three addresses available for the petitioner, the learned counsel for the petitioner, on instructions, clarified the same and I am satisfied with the reasons that have been assigned by the petitioner. However, it would have been proper for the petitioner to have stated all these facts in the transfer petition instead of bringing it to the notice of the Court only on being questioned. Be that as it may, considering the fact that the petitioner now resides with her mother at Sivagangai, subsequent to the demise of her father, in the interest and convenience of the petitioner/wife, the domestic violence proceedings are directed to be transferred.

9.Accordingly, D.V.C.No.108 of 2022 is hereby withdrawn from the file of the XVII Metropolitan Magistrate Court, Saidapet, Chennai and transferred to the file of the Additional Mahila Court, Sivagangai. However, considering that the respondent is residing at Chennai and he is already



attending proceedings before the Family Court at Madurai, and earlier transfer of O.P.No.1552 of 2018 filed by the petitioner/wife in Tr.CMP.No.412 of 2024 has been dismissed by this Court on 17.04.2024

though related to a different proceedings altogether, in order to balance equities, the transferee Court shall not insist on the physical presence of the respondent/husband for all hearing dates, except where his presence would be absolutely necessary. The domestic violence proceedings, on transfer, shall be disposed of by the Additional Mahila Court, Sivagangai, within a period of three months from the date of receipt of a copy of this order.

10. With the above directions, the Transfer Civil Miscellaneous Petition is disposed of. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

11.07.2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

To

1. The XVII Metropolitan Magistrate Court, Saidapet, Chennai.

2. The Additional Mahila Court, Sivagangai.

P.B. BALAJI, J.



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