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Tr. C.M.P.No. 143 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.04.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr. C.M.P.No. 143 of 2025

&

C.M.P. No. 2831 of 2025

1.R.Martin

2.Philomina

...Petitioners

Vs.

Princy Martin

...Respondent

Prayer: Transfer Petition is filed under Section 24 of the CPC, to withdraw the case in DVC.No.12 of 2021 on the file of the IX Metropolitan Magistrate, Saidapet and transfer the same to the file of the Chief Judicial Magistrate, Vellore.



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For Petitioners : Mr. R.Prabhakaran
For Respondent : Mr. R.Mohan Doss
For M/s. Swaminathan Law
Associates

ORDER

The transfer petition is filed to withdraw the case in DVC.No.12 of 2021 on the file of the IX Metropolitan Magistrate, Saidapet and transfer the same to the file of the Chief Judicial Magistrate, Vellore.

2.The petitioner seeks transfer on the following grounds:

(i)The petitioner is a senior citizen aged 78 years and suffering from multiple ailments and hence it is difficult for him to travel from Vellore to Saidapet.

(ii)The petitioner is suffering from various ailments like late onset seizures, past craniotomy, mild parkinsonism, coronary artery disease, systemic hypertension and knee osteoarthritis to name a few.

(iii)The IX Metropolitan Magistrate, Saidapet is



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situated approximately 280 Kms to and from Christian Medical College, Vellore, where he has been hospitalised and undergoing treatment and it is not possible for him to come to Saidapet for every hearing.

(iv)The petitioner has been specifically asked to stay within the radius of the CMC, Vellore to undergo recurring medical treatment.

(v)The petitioner has been undergoing treatment for the various medical ailments that he has been diagnosed with at the Christian Medical College, Vellore, Ranipet Campus, Ranipet and he would be put into hardship both financially and physically if he had to attend the case instituted by the respondent at IX Metropolitan Magistrate, Saidapet.

(vi)The petitioner has no one to take care of him and he is living with his sister, the 2nd petitioner who is also a senior citizen aged 80 years and it is not possible for them to travel for every hearing.



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3. A counter has been filed by the respondent denying the contentions of the petitioners. The respondent would submit that she is also a senior citizen aged about 72 years and having severe dysfunction of the pancreas, coupled with BP and varicose veins and she cannot stand for a long spells, despite which she attend the Court hearings regularly without fuss. The respondent would submit that the 1st petitioner is not admitted and hospitalised and they have obtained the interim stay by projecting a picture as if he has been admitted in the Vellore hospital on 13.02.2025. On one hand the petitioner states that he is hospitalized and undergoing treatment, while on other hand on 29.01.2025 the 1st petitioner has settled his property to the 2nd petitioner and on the same day itself the 2nd petitioner has entered into a sale agreement with a third party. This clearly shows that the petitioner is not hospitalized and they are only enacting a scene before this Court and their intention is to drag the proceedings.

4. Heard the learned counsels and perused the records.



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5. The petitioner has filed the transfer petition on the ground that he is a senior citizen and suffering from various ailments and hospitalised at Vellore. Therefore, he cannot travel from Vellore to Saidapet. The respondent resisted the said application contending that she is also a senior citizen and suffering from various ailments. Since the Court has to consider the convenience of the wife, the transfer petition is dismissed. However, considering the request of the petitioners, their presence is dispensed with and they are permitted to appear online for adducing evidence. Consequently, the connected miscellaneous petition is closed. No costs.

02.04.2025

Index : Yes/No
Internet : Yes/No

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1.The IX Metropolitan Magistrate,
Saidapet

2.The Chief Judicial Magistrate,
Vellore.

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P.T. ASHA, J.



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