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Tr. CMP No.212 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

Tr. CMP No.212 of 2025
and
C.M.P. No.414 of 2025

K. Raja Subramanian @ Rakesh ... Petitioner
vs.
K. Roja Sindhuja ... Respondent

Prayer : This petition has been filed under Section 24 of C.P.C. to withdraw M.C. No.691 of 2024 pending on the file of IV Additional Family Court, Chennai and transfer the same to Judicial Magistrate Court – II, Sivakasi vide Court order, dated 30.07.2025 made in C.M.P. No.11513 of 2025 in Tr. C.M.P. No.212 of 2025 and CMP No.4101 of 2025.

For Petitioner : Mr.K. Govi Ganesan
For Respondent : No appearance

ORDER

The petitioner husband seeks transfer of a Maintenance Claim, viz., M.C. No.691 of 2024 pending on the file of the IV Additional Family Court, Chennai to the file of Judicial Magistrate Court -II,



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Sivakasi to be tried along with DVC No.21 of 2023, which is pending before the learned Judicial Magistrate - II, Sivakasi, i.e., the same Court.

2. Though notice was served to the respondent and her name was printed in the cause list, there is no representation on the side of the respondent.

3. It is seen that the wife resides within the jurisdiction of the Courts in Sivakasi and she has already filed a complaint under the Domestic Violence Act, which was meant for protection of women and the same is pending in DVC No.21 of 2023 before the learned Judicial Magistrate – II, Sivakasi.

4. Before the IV Additional Family Court, Chennai, the wife-respondent has filed an application seeking maintenance in M.C. No.691 of 2024. The petitioner-husband therefore seeks for transfer of the said maintenance proceedings to be tried along with Domestic Violence complaint, which is pending before the Judicial Magistrate Court – II, Sivakasi.

5. In view of the fact that the wife resides within the jurisdiction of the competent Court in Sivakasi and she has herself instituted the compliant under the Domestic Violence Act before the Judicial



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Magistrate Court II, Sivakasi and the present proceedings which are sought to be transferred is only pertaining to maintenance, which can be decided by the learned Judicial Magistrate as well. In the interest of both parties and in order to avoid multiplicity of proceedings and conflicting orders, I am inclined to allow this Transfer CMP. Accordingly, Tr. CMP No.212 of 2025 stands allowed. In fine, M.C. No.691 of 2024 is withdrawn from the file of IV Additional Family Court, Chennai and transferred to the Judicial Magistrate Court - II, Sivakasi to be tried along with DVC. No.21 of 2023. No costs. Consequently, connected miscellaneous petition is closed.

14.08.2025

Internet:Yes/No
Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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P.B. BALAJI, J.

vsi2

To

1. The IV Additional Family Court,
Chennai.

2. The Judicial Magistrate Court – II,
Sivakasi.

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