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TR CMP Nos.725 & 730 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

TR CMP Nos.725 & 730 of 2025

and

CMP Nos.16907 & 17036 of 2025

Manikandan
S/o.Arul,
No.112, Mariamman Kovil Street, Thotti,
Thiruvandipuram, Cuddalore – 641 047.

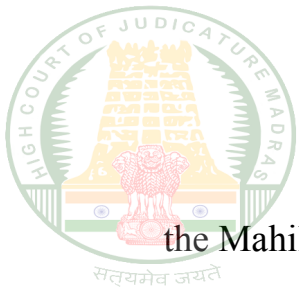
Petitioner(s) in both cases

Vs

Sinduja
D/o.Baskar,
No.48/17, (1) Pillaiyaar Kovil, Kuilapalayam,
Pallavarayanaththam, Cuddalore - 102
Temporarily residing at
No.1/52, PR Ramakrishna Nagar,
Ex MLC Duraisamy Naidu Street, VTC, Coimbatore North,
Jothipuram Post, Coimbatore - 047.

Respondent(s) in both cases

Prayer in Tr.C.M.P.No.725 of 2025: Civil Revision Petition filed under Article 227 of the Constitution of India to withdraw and transfer D.V.C.No.63 of 2025 from the file of the Special Court to trial cases filed under the Protection of Women from Domestic Violence Act, Coimbatore, to the file of



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the Mahila Court, Cuddalore.

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Prayer in Tr.C.M.P.No.730 of 2025: Civil Revision Petition filed under Article 227 of the Constitution of India to withdraw and transfer M.C.No.86 of 2025 from the file of the Additional Principal Family Court, Coimbatore, to the file of the Family Court, Cuddalore.

For Petitioner(s): Mr.S.Balaji

For Respondent(s): Mr.M.Roshan Atiq

COMMON ORDER

Tr.C.M.P.No.725 of 2025 has been filed to withdraw D.V.C.No.63 of 2025 from the file of the Special Court to trial cases filed under the Protection of Women from Domestic Violence Act, Coimbatore and to transfer the same to the file of the Mahila Court, Cuddalore.

2. **Tr.C.M.P.No.730 of 2025** has been filed to withdraw M.C.No.86 of 2025 from the file of the Additional Principal Family Court, Coimbatore and to transfer the same to the file of the Family Court, Cuddalore.

3. The learned counsel appearing for the petitioner/husband would submit that the petitioner is residing in Cuddalore along with his aged mother and also taking care of his son, who is suffering from lower respiratory



infection and sepsis and the petitioner has also produced medical records of his mother and son to that effect. He would further submit that the petitioner is a daily wager with limited financial means, which is barely sufficient to meet the basic needs of his family and therefore, attending case hearing in Coimbatore will cause severe financial burden on the petitioner and adversely affect the welfare of his dependents.

4. *Per contra*, the learned counsel appearing for the respondent/wife would submit that D.V.C. proceedings pertains to criminal proceedings and the same cannot be transferred to the file of the Mahila Court, Cuddalore. He would further submit that it is difficult for the respondent/wife to travel all alone from Coimbatore to Cuddalore for attending each and every case hearings. To strengthen his contention, he relied upon the following judgments of the Supreme Court as well as this Court:

•***N.C.V.Aishwarya Vs. A.S.Saravana Karthik Sha (AIR 2022 SC 4318)***

•***Mohana Seshathri Vs. E.Anuja (2021-2-LW509)***

•***N.Pakthavathsalam Vs. K.Pramila and Ors. (MANU/TN/0442/2017)***

5. Considering the arguments advanced on either side and also the proposition laid down in the judgment of the Hon'ble Supreme Court in ***N.C.V.Aishwarya*** case cited *supra*, wherein, it has been held that convenience



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of the wife has to be considered while transferring the case from one Court to

another, this Court is is not inclined to allow this petition.

Hence, this civil revision petition stands dismissed. However, appearance of the petitioner before the Court below concerned is dispensed with and it is made clear that the petitioner shall appear before the Court below concerned in-person as and when required to conduct proceedings. No costs. Connected C.M.Ps. are closed.

23-09-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
nsd



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To

1.The Judge,
Special Court to trial cases filed under the Protection
of Women from Domestic Violence Act, Coimbatore.

2.The Additional Principal Judge,
Family Court, Coimbatore



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M.JOTHIRAMAN J.

nsd

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