



WEB COPY



Tr CMP.No.855 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.855 of 2024 &
CMP.No.18875 of 2024

Sendhilkumar : Petitioner

versus

Vennila : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the case in M.C.No.32 of 2024 which is pending on the file of the Judicial Magistrate Court No.1, Attur, Salem District transfer the same to the Subordinate Court, Rasipuram, Namakkal District.

For Petitioner : Mr.J.Titus Enock

For Respondent : Mr.S.Gopinath

ORDER

This transfer petition is at the instance of the husband. He seeks withdrawal of MC.No.32 of 2024 from the file of the Judicial Magistrate-I, Attur, Salem District and transfer the same to the file of the Subordinate



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Court, Rasipuram, Namakkal District.

2. I heard both sides. I have gone through the affidavit.

3. The petitioner is the husband. The respondent is the wife. There is no dispute in the relationship. They solemnized their wedding on 09.09.2002. From the wedlock, they were blessed with two children. The daughter is aged about 18 years and the son is aged about 14 years.

4. The wife is working as a professor in a College at Rasipuram. She had earlier presented HMOP.No.87 of 2023 on the file of the Sub court, Attur, Salem District. The husband filed a transfer petition in Tr.CMP.No.1224 of 2023. Taking into consideration the wife is traveling to Rasipuram every day to attend her vocation and considering her interest, I transferred the proceedings from the Sub Court, Attur to the Sub Court, Rasipuram. This order was passed on 26.04.2024.

5. The wife had also initiated MC.No.32 of 2024 on the file of the



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Judicial Magistrate-I at Attur, Salem District. The husband wants this proceeding to be transferred to the file of the Sub Court at Rasipuram.

6. Even when I issued notice, I pointed out to the learned counsel for the petitioner that the MC proceeding pending before the Magistrate Court cannot be tried before the Sub Court. The learned counsel for the petitioner requested for transfer to any Magistrate Court in Rasipuram. Accordingly, notice was issued. Mr.S.Gopinath has entered appearance for the respondent/wife.

7. Taking into consideration the interest of the wife and as the parties are already travelling to the court at Rasipuram, I am inclined to accept the transfer. Accordingly, MC.No.32 of 2024 pending on the file of the Judicial Magistrate I, Attur is withdrawn and is transferred to the file of the Judicial Magistrate Court at Rasipuram, Namakkal District.

8. With the above observations, the Transfer Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

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Index : Yes/No
Speaking Order/Non speaking order
Neutral Citation : Yes/No



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V.LAKSHMINARAYANAN, J.

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To

1.The Judicial Magistrate I, Attur.

2.The Judicial Magistrate Court at Rasipuram, Namakkal District.

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