



Tr CMP.No.887 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE **V.LAKSHMINARAYANAN**

Tr CMP.No.887 of 2024 &
CMP.Nos.19429 & 19430 of 2024

V.Manoj Prabhu : Petitioner

versus

1.S.Abilakshmi
Varadharajan (died)
2.Nirmala Devi. V
3.V.Vijay Anand
4.S.Pitchammal : Respondents

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw DVC.No.18 of 2024 from the file of the Judicial Magistrate Court No.1, Puducherry and to transfer the same to the learned Judicial Magistrate Court, Srivilliputhur.

For Petitioner : Mr.C.S.K.Sathish

For Respondent 1 : Mr.S.C.Pratheep Ashok Kumar

For Respondent 2 : Ms.Jeevitha Ramani

For Respondents



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3 & 4 : Ms.L.Karthiga
ORDER

This transfer petition seeks for withdrawal of DVC.No.18 of 2024 from the file of the Judicial Magistrate Court at Puducherry and transfer the same to the file of the Judicial Magistrate at Srivilliputhur.

2. The petitioner married the first respondent on 23.05.2021. Due to disputes and differences, the husband and wife separated. This constrained the wife to initiate DVC No.18 of 2024 against her husband, father-in-law, mother-in-law, brother-in-law and the wife of brother-in-law. This transfer petition has been moved by the husband pleading that he is residing in Sivakasi and finds it difficult to travel a distance of 400 kms from Sivakasi to Puducherry to attend the hearing. He pleads that the learned Judicial Magistrate, Puducherry insisted on the appearance of the respondents 2 to 4 herein for every hearing. Hence, he has moved this petition for transfer.

3. I heard Mr.C.S.K.Sathish for the petitioner, Mr.S.C.Pratheep Ashok Kumar for the first respondent, Ms.Jeevitha Ramani for the second respondent and Ms.L.Karthiga for the respondents 3 and 4.



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4. I have carefully considered the arguments. I have gone through the papers.

5. A perusal of the DVC petition shows that the wife is a permanent resident of Puducherry. If Sivakasi and Puducherry are separated by 400 kms for the husband, I am certain that the distance will not shrink when it comes for the wife. The wife is aged about 29 years. If full bodied individual like the husband, who is aged about 31 years, pleads difficulty to travel from Sivakasi to Puducherry, I am sure the wife will also face the same difficulty while travelling from Puducherry to Sivakasi. Hence, I am not inclined to entertain the transfer.

6. However taking into consideration the pleas of Ms.Jeevitha Ramani and Ms.L.Karthiga that the respondents 2 to 4 have been forced to travel from Sivakasi to Puducherry for every hearing; considering their age and relationship with the transfer petitioner and the first respondent, I am inclined to dispense with their appearance before the learned Judicial



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Magistrate No.1 at Puducherry. The respondents 2 to 4 to the transfer petition shall be represented by a counsel on all hearing dates. They shall appear when the learned Judicial Magistrate passes a specific order to that effect or when their appearance is indispensable.

7. With the above observations, this transfer petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

24.01.2025

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Index : Yes/No

Speaking Order/Non speaking order

Neutral Citation : Yes/No



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To

1.The Judicial Magistrate No.I, Puducherry



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V.LAKSHMINARAYANAN, J.
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