



Tr.C.M.P.No.1210 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.1210 of 2024

and

C.M.P.Nos.26292 & 26293 of 2024

1.R.Aravinth

2.B.Ranganathan

3.R.Geethalakshmi

.. Petitioners

Vs.

Deekshitha

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw and transfer the D.V.C.No.98 of 2024 pending on the file of the Chief Judicial Magistrate Court, Coimbatore to the file of the Additional Mahila Court (FTC), Salem.

For Petitioners : Mr.T.S.Vijaya Raghavan

For Respondent : Mr.K.Balasubramaniam



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ORDER

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This petition seeks transfer of D.V.C.No.98 of 2024 pending on the file of the Chief Judicial Magistrate Court, Coimbatore to the file of the Additional Mahila Court (FTC), Salem.

2.The 1st petitioner married the respondent on 09.07.2023. Soon thereafter, the parties separated. The respondent / wife has initiated D.V.C.No.98 of 2024 before the Chief Judicial Magistrate Court at Coimbatore. The 1st petitioner / husband in turn has initiated H.M.O.P.No.484 of 2024 before the Family Court at Salem for dissolution of the marriage solemnized between the 1st petitioner and the respondent on 09.07.2023.

3.Earlier, a petition was presented to this Court by the respondent / wife in Tr.C.M.P.No.1367 of 2024, seeking to withdraw H.M.O.P.No.484 of 2024 from the file of the Family Court, Salem, and transfer the same to the file of the Family Court, Coimbatore. By an order dated 21.12.2024, I ordered the transfer. At that stage, I directed the learned Additional Principal Family Judge at Coimbatore to club H.M.O.P.No.484 of 2024 along with



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H.M.O.P.No.1352 of 2024, which had been initiated by the wife. The

husband pleads that he finds it extremely inconvenient to travel from Salem and contest the proceedings in Coimbatore. Hence, he filed this petition.

4.Mr.T.S.Vijaya Raghavan points out that petitioners 2 & 3 are the parents of the 1st petitioner and they are aged and are unable to travel.

5.Under the Domestic Violence Act, the aggrieved person namely, the woman has a right to present a petition in a place where she is residing. This is the communication by the Parliament.

6.The Court must take into consideration the convenience of the wife. Hence, I am not inclined to transfer the proceedings from Coimbatore to Salem as sought by Mr.T.S.Vijaya Raghavan. However, considering the age and the relationship between the petitioners 2 & 3 with the respondent, the appearance of petitioners 2 & 3 before the learned Chief Judicial Magistrate, Coimbatore, is dispensed with. On all hearings, they shall be represented by a counsel. However, they shall appear before the Court when the learned Chief



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Judicial Magistrate at Coimbatore, passes an order calling upon them to appear before the Court or when their presence is indispensable.

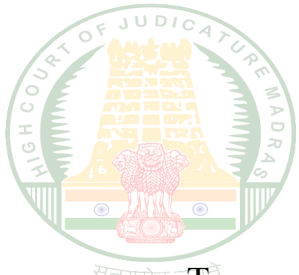
7.Mr.T.S.Vijaya Raghavan pleads that the learned Trial Judge has not received the counter. There shall be a direction to the learned Chief Judicial Magistrate, Coimbatore, to receive the counter that has been filed by the transfer petitioners in the Domestic Violence Case.

8.With the above directions, this Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

24.01.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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To
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The Chief Judicial Magistrate,
Chief Judicial Magistrate Court,
Coimbatore.



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V.LAKSHMINARAYANAN, J.

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