



Tr.C.M.P.No.1199 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.1199 of 2024
and C.M.P.No.26113 of 2024

Anitha

.. Petitioner

Vs.

1.M.Rumeshkumar

2.Kowsalya

.. Respondents

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw the case in DVC.No.26 of 2021 on the file of the Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai and transfer the same to the Subordinate Judge, Poonamallee.

For Petitioner : Mr.S.Silambuselvan
For Respondents : Ms.C.Shyaamala

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of DVC.No.26 of 2021 from the file of the Metropolitan



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Magistrate, Additional Mahila Court, Egmore, Chennai and transfer the same to the file of the Sub Court, Poonamallee.

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

3.The petitioner is the wife, the 1st respondent is the husband and the 2nd respondent is the mother-in-law of the petitioner. The petitioner and the 1st respondent married on 10.11.2019. The petitioner has initiated DVC.No.26 of 2021 on the file of the Metropolitan Magistrate, Additional Mahila Court, Egmore. Apart from that there are two other proceedings pending before the Sub Court at Poonamallee in O.P.No.351 of 2020 for divorce and O.P.No.63 of 2021 for restitution of conjugal rights. The petitioner seeks for withdrawal of DVC.No.26 of 2021 from the file of the Metropolitan Magistrate, Additional Mahila Court, Egmore, and transfer the same to the file of the Sub Court at Poonamallee. Such prayer is not entertainable. The Sub Judge does not possess the jurisdiction to entertain the petition under Section 12 of the Domestic Violence Act.

4.Taking into consideration the convenience of the wife as she is a



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resident of Thirunindravur, the proceedings are transferred to the file of the
Judicial Magistrate Court No.I at Poonamallee.

5.Ms.C.Shyaamala for the respondents points out that trial has commenced in DVC.No.26 of 2021. That being the situation, the learned Judicial Magistrate No.I, Poonamallee, shall continue the proceedings from the stage at which it is transferred to him. He shall expedite the proceedings at all stages.

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

24.01.2025

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

V.LAKSHMINARAYANAN, J.



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- To
- 1.The Metropolitan Magistrate,
Additional Mahila Court,
Egmore, Chennai.
 - 2.The Judicial Magistrate No.I,
Poonamallee.

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