



IN THE HIGH COURT OF JUDICATURE AT MADRAS



DATED: 22.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI
TR.CMP.Nos.1282 & 1284 of 2024
and CMP. Nos.27808 of 2024

TR.CMP. No.1282 of 2024:

J.Angel Esther Rani

... Petitioner

Vs.

1.A.Dinesh Jeyasingh

2.Arul Selvam

3.Jothy Ramani

4.Vinod Jeyasingh

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, to withdraw the case in D.V.C. No.5 of 2024 pending on the file of the Judicial Magistrate Court No.II, Padmanabhapuram, Kanyakumari and transfer the same to the Metropolitan Magistrate Court, Saidapet at Chennai.

TR.CMP. No.1284 of 2024:

J.Angel Esther Rani

... Petitioner

Vs.

A.Dinesh Jeyasingh

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, to withdraw the case in D.O.P. No.844 of 2022 pending on the file of the Family Judge, Nagercoil (Camp Court at Padmanabhapuram), Kanyakumari and transfer the same to the Family Court at Chennai.

For Petitioner : Mrs.M.Lokeshwari in both Tr.CMPs



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For Respondents : Mr.T.Sundarvadhanam for respondent
in CRP. No.1284 of 2024/
for R1 to R3 in CRP. No.1282 of 2024
No Appearance for R4
in CRP. No.1282 of 2024

COMMON ORDER

TR.CMP No.1282 of 2025 has been filed to transfer the case in D.V.C. No.5 of 2024 pending on the file of the Judicial Magistrate Court No.II, Padmanabhapuram, Kanyakumari to the Metropolitan Magistrate Court, Saidapet at Chennai.

2. TR.CMP No.1284 of 2025 has been filed to transfer the case in D.O.P. No.844 of 2022 pending on the file of the Family Judge, Nagercoil (Camp Court at Padmanabhapuram), Kanyakumari and transfer the same to the Family Court at Chennai.

3. Heard Mrs.M.Lokeshwari, learned counsel for the petitioner/wife and Mr.T.S.Sundaravadanam, learned counsel for the respondents.

4. The learned counsel for the petitioner states that though the petitioner previously resided in Kanyakumari, her Home Town, but subsequently, she has been employed with Saveetha College of Nursing, Saveetha Institute of Medical and Technical Science (SIMATS), Thandalam, Chennai, where she was residing temporarily in Poonamalle and now she



resides within the jurisdiction of the Court at Saidapet and therefore, 1

transfer is sought for in the proceedings in DVC. No.5 of 2024 from Judicial Magistrate Court No.II, Padmanabhapuram, Kanyakumari to Metropolitan Magistrate Court, Saidapet at Chennai and DOP. No.844 of 2022, from Family Judge, Nagercoil (Camp Court at Padmanabhapuram), Kanyakumari to the Family Court at Chennai.

5. However the said transfer Applications are resisted by the husband stating the respondent does not reside within the jurisdiction of the Saidapet/Chennai Courts and even in the counter to the DOP proceedings filed as late as February 2024, the petitioner has furnished only a Ponnammallee address. The learned counsel for the respondent would further state that the trial is on the verge of completion and the respondent is willing to bear the entire expenses of travel and lodging of the petitioner to attend the proceedings before the Family Court, Kanyakumari.

6. It is seen that the petitioner has already engaged a counsel and she is being represented in the matter before the Family Court. In view of fact that the trial has already commenced and there is also nothing produced to substantiate that the petitioner has any serious inconvenience to travel to Nagercoil to attend proceedings, and she has been attending the proceedings



for the past three years, I am inclined to dispose of the Transfer CM

No.1284 of 2024, with a direction to the Family Court, Padmanabhapuram

to dispose of DOP No.401 of 2025, formerly DOP. No.844 of 2022 on the

file of Family Court, Nagercoil (Camp Court at Padmanadapuram) within a

period of three (3) months. A particular date shall be fixed at the

convenience of the petitioner, for her appearance and the proof affidavit

shall be served in advance and on the same day, the petitioner shall be cross

examined. The entire expenses for travel and lodging will be borne by the

respondent/husband across submission of a memo, supported by bills.

7. Insofar as the DVC proceedings is concerned, the petitioner has lodged a complaint initially before the Judicial Magistrate No.II, Padmanabhapuram since she was residing within the jurisdiction of Padmanabhapuram Court. Now, the petitioner works in Saveetha Group of Institution and she resides in Saidapet and in support of the same, the petitioner has also filed documents to substantiate her employment and also her residence at Chennai.

8. In the light of the above, I am inclined to transfer DVC. No.5 of 2024, where the enquiry is yet to commence, from the Judicial Magistrate No.II, Padmanabhapuram, Kanyakumari to the Metropolitan Magistrate,



Saidapet at Chennai. The learned Metropolitan Magistrate shall not insist

the physical presence of the respondents on all hearing dates, except where

their presence would be necessary, for recording their evidence in chief and

cross examination.

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9. In fine, Tr.CMP. No.1282 of 2024 is allowed and Tr.CMP.

No.1284 of 2024 is disposed of. No costs. Connected Miscellaneous Petition is closed.

22.07.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

rkp

To

1.The Family Judge, Nagercoil,
(Camp Road at Padmanabhapuram),
Kanyakumari.

2.Judicial Magistrate No.II,
Padmanabhapuram, Kanyakumari.

3.Metropolitan Magistrate,
Saidapet at Chennai.

P.B.BALAJI.J.,

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