



WEB COPY



Tr.C.M.P.No.11 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.11 of 2024

and

C.M.P.No.319 of 2024

1. V.Muthu Pandi
2. A. Veerapathiran
3. V.Arunasundari
4. V.Velu

... Petitioners

Vs.

M.Prema

... Respondent

PRAYER: : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer DVOP.No.7 of 2023 on the file of Judicial Magistrate Kariamangalam, Dharmapuri to Judicial Magistrate, Ambattur.

For Petitioner : Mr.M.Jaisingh.

For Respondents : Mr.S.Sasikumar.

ORDER

Heard.

2.The petitioners have filed this Transfer Civil Miscellaneous Petition seeking transfer of D.V.O.P. No.7 of 2023 from the Court of the Judicial Magistrate, Kariamangalam, Dharmapuri District, to the Court of the Judicial



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Magistrate, Ambattur, Thiruvallur District.

3. Briefly stated, the case of the first petitioner is that he married the respondent on 17.06.2018 at Dharmapuri as per Hindu customs. After marriage, the couple lived in the petitioners' house at Morai, Thiruvallur District. A male child was born to them on 22.10.2019. According to the petitioners, the respondent then went back to her parental home at Dharmapuri and has been residing there with the child.

4. The first petitioner has filed H.M.O.P. No.18 of 2022 for restitution of conjugal rights on the file of the Sub Court, Ambattur. The respondent has filed D.V.O.P. No.7 of 2023 (originally D.V.O.P. No.11 of 2022) on the file of the Judicial Magistrate, Kariamangalam, Dharmapuri District, alleging domestic violence. The present transfer petition is directed against the said D.V.O.P.

5. The single line urged by the petitioners for transfer is that since H.M.O.P. No.18 of 2022 is pending at Ambattur, the D.V.O.P. should also be transferred to Ambattur to avoid multiplicity of proceedings.

6. The D.V.O.P. has been filed by the respondent-wife at Kariamangalam, which is the place where she resides with the minor child.

7. While considering transfer in matrimonial and related matters, the



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consistent approach is that the convenience of the wife and the minor child should normally be given greater importance than the convenience of the husband and his relatives.

8.In the present case, the respondent and the child are residing in Dharmapuri District. If the D.V.O.P. is transferred to Ambattur, the respondent and the minor child will have to travel from Dharmapuri to Ambattur for every hearing. On the other hand, the petitioners have not shown any special or exceptional circumstance, such as real threat to their safety at Kariamangalam or any legal disability preventing their appearance there. The balance of convenience lies in allowing the respondent to continue the proceedings at the Court nearest to her residence.

9.Accordingly, this Transfer Civil Miscellaneous Petition is dismissed.

10.The learned Judicial Magistrate, Kariamangalam, Dharmapuri District, is requested to proceed with D.V.O.P. No.7 of 2023 and dispose of the same as expeditiously as possible.

11.There will be no order as to costs. The interim stay granted by this Court stands vacated and C.M.P. No.319 of 2024 is dismissed.

05.12.2025

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Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No

To

1.The Judicial Magistrate,
Karimangalam,
Dharmapuri.

2.The Judicial Magistrate,
Ambattur.



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DR. A.D. MARIA CLETE, J

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