



Tr.C.M.P.No.1356 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P.No.1356 of 2024

C.M.P.No.29264 of 2024

Dr.S.Priyadarshini

...Petitioner

Vs

1.Dr.K.Arun Shanmuga Prasath

2.Dr.Kirubakaran

3.K.Jayanthhi

4.Dr.Mohana Priya

...Respondents

PRAYER : Transfer Civil Miscellaneous Petition filed under 24 of Code of Civil Procedure, pleaded to withdraw the case pending in D.V.C.No.5 of 2022 on the file of the District Munsif cum Magistrate Court at Sriperumbudur and Transfer the same to file of the Additional Mahila Court, Egmore, Chennai.

For Petitioner : M/s.K.Sumathi

For Respondent : Mr.Madhusudanan (For R1 to R3)
No appearance (For R4)



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ORDER

WEB COPY The petitioner wife has filed this Transfer Civil Miscellaneous Petition seeking to transfer the proceedings pending in D.V.C.No.5 of 2022 on the file of the District Munsif cum Magistrate Court, Sriperumbudur, to the file of the Additional Mahila Court, Egmore, Chennai.

2.The respondent husband would submit that originally the respondent had filed a petition for divorce in H.M.O.P.No.167 of 2022 on the file of the learned II Additional Principal Family Judge, Chennai. The petitioner herein had filed I.A.No.2 of 2022 stating that petition was not maintainable before the Family Court as the territorial jurisdiction was Kancheepuram. Therefore, the petition was returned with a direction to be presented before the jurisdictional Court. Hence the matter was transferred to the Sub Court, Kancheepuram, and renumbered as H.M.O.P.No.411 of 2022. Immediately, the petitioner had filed a petition before this Court in Tr.C.M.P.No.694 of 2024 to transfer H.M.O.P.No.411 of 2022 from the file of the Sub Court, Kancheepuram to the file of the Family Court once again. In the present domestic violence case she had filed an application for interim protection of a



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separate household and she has being given the first floor of the respondent's house which has been kept under lock and key to date. Now the petitioner has come forward with the present Transfer Civil Miscellaneous Petition to transfer the Domestic Violence Case D.V.C.No.5 of 2022 from the file of the District Munsif cum Magistrate Court, Sriperumbudur to the file of the Additional Mahila Court, Egmore, Chennai. The respondent counsel would submit that the only intent of the petitioner is to drag on the proceedings. In fact this has been observed in the notes of proceedings dated 11.12.2024 recorded by the District Munsif cum Magistrate Court, Sriperumbudur, which reads as follows:-

“Petitioner absent. PFA. Respondent present. Memo filed by Respondent counsel stating that DV case ought to be adjudicated within 60 days and that the petitioner has been filing several miscellaneous application and dragging the proceedings only to harass the respondent/husband and prayed to expedite the trial. Memo recorded

On perusal of the case bundle, it is seen that the counter was filed on 19.04.2022 and from 05.05.2022, the case has been pending for petitioner's side evidence and marking of documents. The Petitioner counsel stated that the Petitioner has gone out of the state to attend conference



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and that she will be available only on 08.01.2025.

Already sufficient opportunity given to the petitioner.

Final opportunity for the appearance of Marking of Documents by the petitioner, failing which the DV Case will be dismissed for default. Call on 27.12.2024.”

3. Therefore, from the above counter and the daily order of the learned Judicial Magistrate, it appears that the intent of the petitioner is to drag on the proceedings, particularly, while considering the manner in which H.M.O.P.No.167 of 2022 filed by the husband for divorce has been, at her instance earlier transferred to the Sub Court, Kancheepuram and once again at her instance transferred back to Chennai.

4. Heard the learned counsels on either side and perused the records.

5. Taking note of the notes of proceedings of the District Munsif cum Magistrate Court, Sriperumbudur, that from 05.05.2022, the petitioner has not get into the box for adducing evidence and has successfully managed to drag on the proceedings till now, the Transfer



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Civil Miscellaneous Petition is allowed and D.V.C.No.5 of 2022 is withdrawn from the file of the District Munsif cum Magistrate Court at Sriperumbudur and transferred to the file of the Additional Mahila Court, Egmore, Chennai. A direction is issued to the Additional Mahila Court, Egmore, Chennai, to put the petitioner into the box on 15.04.2025. The petitioner shall positively be present in Court for adducing evidence on the said date. No costs. Consequently, connected miscellaneous petition is closed.

20.03.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
ep

Note:-

Issue order copy on 20.03.2025 and Registry shall intimate the District Munsif cum Judicial Magistrate, Sriperumbudur, to forthwith forward the papers in D.V.C.No.5 of 2022 to the file of the Additional Mahila Court, Egmore, Chennai.



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P.T.ASHA, J,

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To

- 1.The District Munsif cum Magistrate Court at Sriperumbudur.
- 2.The Additional Mahila Court, Egmore, Chennai.

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