



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

Tr.C.M.P(MD).140 of 2024

and

C.M.P(MD)No.2874 of 2024

Joseph Xavier Jeyanth

...Petitioner/Respondent

Vs.

Mary Josephine Sheila

...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., to withdraw and transfer the case in D.V.C.No.99 of 2023, on the file of the learned Judicial Magistrate No.II, Tuticorin, to the Family Court, Madurai, and try the same along with the divorce case in O.P.No.308 of 2023, pending on the file of the Family Court, Madurai.

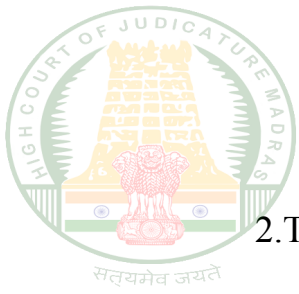
For Petitioner : No appearance

For Respondents : Mr.A.Robinson

* * * * *

ORDER

The Tr.C.M.P has been filed by the respondent in DVC.No.99 of 2023, seeking to transfer the said proceedings to the Family Court, Madurai.



2.The learned Counsel appearing for the petitioner has reported "no instructions" and the name of the petitioner is printed in the cause list and there is no appearance either in person or through the Counsel.

3.The Hon'ble Full bench of our High Court in a judgment reported in **2022 SCC Online Mad, 5435**, (vii) in paragraph No.85, of the judgment is extracted as follows:-

“Consequently, we hold that an application under Section 12 of the D.V.Act cannot be transferred from the Court of the Magistrate, designated under Section 27 of the D.V.Act, to the Family Court or the Civil Court. Decisions of learned single judges which have held to the contra in paragraphs 56 and 57, supra, will stand overruled.”

4.In view of the judgment of the Hon'ble Full Bench of our High Court, the prayer sought for in the T.R.C.M.P., is not maintainable.

5.In the result, this Transfer Civil Miscellaneous Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

08.04.2025
2/2

Internet:Yes/No
Index:Yes/No
RJR



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To

1.The learned Judicial Magistrate No.II,
Tuticorin.

2.The learned Judge,
Family Court, Madurai.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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08.04.2025

2/2