



TR.C.M.P.(MD)No.147 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.11.2025

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

TR.C.M.P.(MD)No.147 of 2025

and

C.M.P.(MD)No.3574 of 2025

Shanmuga Priya
W/o. Palani Muthukumar
No.9/102,
Plot No.24, Bharathi Street,
Nanmangalam
Chennai 600 129.

Presently residing at P.No.78
AR City, Kovilpapakudi
Madurai 625 018.

... Petitioner

vs.

Palani Muthu Kumar
S/o. Ganesan
No.9/102, Plot No.24
Bharathi Street, Nanmangalam
Chennai 600 129.

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure to withdraw in DVC No.18 of 2023 on the file of the Learned Additional Mahila, Alandur and transfer the same to the file of Learned Additional Mahila (Judicial Magistrate Level), Madurai.



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For Petitioner :Mr.R.Senthil Kumar
For Respondent :Mr.M.Vijayan

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in DVC.No.18 of 2023 pending on the file of the Additional Mahila Court, Alandur, and transfer the same to the file of Additional Mahila (Judicial Magistrate Level) Court, Madurai.

2.Heard Mr.R.Senthil Kumar, learned counsel for the petitioner and Mr.M.Vijayan, learned Counsel for the respondent.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 27.11.2009, according to Hindu Religious and Rites. Out of their wedlock, they were blessed with two male children, namely, Kavin Adarsh and Mithran, aged about 14 and 10 years respectively. Due to difference of opinion, the petitioner/wife has filed a Domestic Violence Case as against the respondent in DVC.No.18 of 2023 before the Additional Mahila Court, Alandur, seeking compensation and other reliefs. As the petitioner is presently residing at



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Madurai, seeking transfer of the above DVC.No.18 of 2023 from the file of Additional Mahila Court, Alandur, to the file of Additional Mahila (Judicial Magistrate Level) Court, Madurai, the present Transfer Civil Miscellaneous Petition has been filed.

4.The Co-ordinate Bench of this Court, vide order dated 26.03.2025, while referring the matter to the Mediation and Conciliation Centre attached to this Bench, had passed the following order, :-

“Today (26.03.2025) when the matter is taken up for hearing, both side learned counsel submitted that the matter may be referred to mediation for resolving the issue.

2.Considering the request of the both side counsel, this matter is referred to Mediation and Conciliation Centre, attached to this Bench.

3.Both the parties are directed to appear before the Mediation Centre on 15.04.2025 without fail. In the mean time, the Mediation Centre shall appoint a Mediator in this case. Registry is directed to issue notice to the parties, to appear before the Mediator on that date.

4. List this matter on 25.04.2025. ”



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5.After mediation, The Mediation and Conciliation Centre attached to this Bench had filed its report, dated 04.07.2025, which is already on record, and as per the mediation report, dated 04.07.2025, it is seen that the mediation completed and no agreement was reached between the parties.

6.Mr.R.Senthil Kumar, learned counsel for the petitioner submits that being a lady, it is very difficult for the petitioner to travel more than 900 kms., approximately up and down from Madurai to Chennai, for all the Court hearings and also she do not have any finance to meet the travel and other incidental expenses. It was further submitted that even though the petitioner made an earnest effort to facilitate a settlement with the respondent, due to the non-cooperation of the respondent, mediation failed and no agreement was reached between the parties. Thus, he prays that this Court may transfer the case in DVC.No.18 of 2023 from the file of the Additional Mahila Court, Alandur, to the file of Additional Mahila (Judicial Magistrate Level) Court, Madurai.



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7.Mr.M.Vijayan, learned counsel for the respondent has made objections to the submissions made by the learned counsel for the petitioner and to transfer the case filed by the petitioner in DVC.No.18 of 2023, as prayed for by the petitioner, as it is also equally inconvenience for the respondent to attend all the Court hearings before the Court, to which, the case filed by the petitioner, is now sought to be transferred by the petitioner.

8.Accordingly, after considering the arguments as advanced by the learned counsel for the parties, considering the fact that the petitioner, being a lady, would be facing difficulty to travel about more than 900 kms approximately up and down to attend all the Court hearings before the Additional Mahila Court, Alandur, where DVC No.18 of 2023 is pending and that she is also facing finance constraint to meet travel and incidental expenses and also considering the fact that due to the non-cooperation of the respondent, mediation failed and no agreement was reached between the parties and also considering the averments made in the affidavit filed in support of the present Transfer Civil Miscellaneous Petition, this Transfer Civil Miscellaneous Petition is **allowed**, as prayed



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for. The case in DVC.No.18 of 2023, on the file of the Additional Mahila Court, Alandur, is hereby ordered to be withdrawn and transferred to the file of the Additional Mahila (Judicial Magistrate Level) Court, Madurai. The learned Additional Mahila (Judicial Magistrate Level) Judge, Madurai, is directed not to give any adjournment to either of the parties unless there is any cogent reason or stay by any higher Court and decide the case, if the same is not already decided, on merits and in accordance with law, expeditiously. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

9.Registry is directed to communicate this order to the learned Judge, Additional Mahila Court, Alandur as well as to the learned Additional Mahila (Judicial Magistrate Level) Judge, Madurai, for its necessary compliance and information, within a period of 10 days from today.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

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To

1.The Judge, Additional Mahila Court, Alandur.

2.Additional Mahila (Judicial Magistrate Level) Judge, Madurai.



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SHAMIM AHMED, J.

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