



TR CMP(MD). No.211 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04/12/2025

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

TR CMP(MD). No.211 of 2025
and
CMP(MD)No.5304 of 2025

1. Dinesh Santhosh Raj,

2. Jebaraj,

3. Elizabeth,

4. Stanely Santhosh,

5. Divya Evanjalin

... Petitioners

Vs

Shiny Printha

... Respondent

PRAYER :-

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the petition in DVC No.1 of 2025 on the file of the Judicial Magistrate Court No.1, Tirunelveli and transfer the same to the Additional Mahila Court, Madurai.

For Petitioner : Mr.S.Ragaventhre,
Advocate.

For Respondent : Mr.D.Saravanan



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ORDER

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This Transfer Petition is at the instance of husband. He seeks withdrawal of D.V.C.No.1 of 2025 from the file of Judicial Magistrate Court No.1, Tirunelveli and transfer the same to the file of Additional Mahila Court, Madurai.

2.Heard Mr.S.Ragaventhre, learned counsel for petitioner and Mr.D.Saravanan, learned counsel for respondent.

3.Petitioner married the respondent on 27.01.2022, according to Hindu rites and customs. Due to differences, parties have separated. Petitioner/ husband filed IDOP No.1422 of 2023 before the Additional Principal Family Judge, Coimbatore, seeking restitution of conjugal rights, as the respondent wife had left her matrimonial home. On the other hand, respondent/wife had filed IDOP No.377 of 2023 before the Family Court, Tirunelveli, seeking divorce. Therefore, petitioner had filed Tr.C.M.P.(MD)No.192 of 2024 before this Court seeking transfer of IDOP No.377 of 2023 from the file of the Family Court, Tirunelveli, to the Family Court, Madurai. The above transfer petition was filed on the 2/7



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premise that the petitioner was threatened by respondent herein and her family members, while the petitioner attended mediation before the Family Court, Tirunelveli in relation to IDOP No.377 of 2023. Respondent/wife has filed Tr.C.M.P.No.204 of 2024 before the Principal Seat of this Court, seeking transfer of IDOP No.1422 of 2023 from the file of Additional Principal Family Court, Coimbatore to the file of the Family Court at Tirunelveli. This Court allowed the petitions in Tr.CMPNo.204/2024 vide order dated 12.07.2024. The relevant paragraph is extracted hereunder:

“ 7. Considering the submissions and on perusal of the materials, it is seen that on 15.03.2024, when the husband and his parents after attending the Court proceedings in Tirunelveli were threatened and abused and complaint has been lodged. The husband is seeking transfer to Madurai which is a common place not far off from Tirunelveli. The wife is required to travel less than two hours. The husband in any event has to travel from Hyderabad to Madurai which is better connectivity than Tirunelveli. To remove the fear, apprehension of threat and injury, it will be better the cases are transferred to the Family Court at Madurai.

8.In view of the above, this Court withdraws the proceedings in IDOP No.377 of 2023 from the file of the Family



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Court at Tirunelveli and transfers the same to the file of the Family Court at Madurai. Similarly, this Court withdraws the proceedings in IDOP No.1422 of 2023 from the file of the Additional Principal Family Court at Coimbatore and transfers the same to the file of the Family Court at Madurai.

9. The Family Court at Madurai is directed to conduct trial in both the proceedings IDOP No.377 of 2023 and IDOP No.1422 of 2023 together and complete the same preferably within a period of four months from the date of receipt of a copy of this order.

10. In the result, Tr.C.M.P(MD)No.192 of 2024 is allowed and Tr.C.M.P.No.204 of 2024 is dismissed. Consequently, connected civil miscellaneous petitions are closed. No costs.”

4. Learned counsel for the petitioner would submit that while the matters were pending before the Family Court, Madurai, Respondent/wife initiated proceedings under Domestic Violence Act, in D.V.C.No.1 of 2025 for maintenance before Judicial Magistrate Court No.1, Tirunelveli. Petitioner has now filed a transfer petition praying for transfer of the DVC proceedings pending before the Judicial Magistrate No.1, Tirunelveli to the Additional Mahila Court, Madurai. The reason for seeking transfer is threat to the petitioner's life. The petitioner would submit that he is presently working at Bangalore.



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5. Learned counsel for the respondent would submit that they have objections to the above request of the petitioner to transfer the DVC proceedings to the Additional Mahila Court, Madurai.

6. Having considered the submission on both sides, this Court is of the view that inasmuch as, since in the earlier transfer petitions in Tr.C.M.P(MD)Nos.192 of 2024 and Tr.C.M.P.No.204 of 2024, this Court had already withdrawn the proceedings in the IDOP No.1422 of 2023 which was pending before the Family Court, Coimbatore and IDOP No.377 of 2023 which was pending before the Family Court, Tirunelveli, were transferred to the Family Court at Madurai, in view of apprehension of threat by the petitioner herein and such apprehension persists with regard to the DVC proceedings, presently pending before the Judicial Magistrate No.1, Tirunelveli, this Court is inclined to withdraw the proceedings in DVC No.1 of 2025 on the file of the learned Judicial Magistrate No.1, Tirunelveli and transfer the same to the Additional Mahila Court, Madurai. The Additional Mahila Court shall endeavour to dispose of the aforementioned case expeditiously, preferably within a



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period of four months. Both the parties are directed to cooperate with all the proceedings.

7. With the above observations, the Transfer Petition is allowed.

There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

04.12.2025

NCC : yes / no
Index : yes / no
Internet : yes / no

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To

1. The Judicial Magistrate No.1, Tirunelveli.
2. The Additional Mahila Judge, Madurai.



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MOHAMMED SHAFFIQ, J

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ORDER
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Date : 04/12/2025