



Tr.C.M.P(MD)No.5 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 28.03.2025

Pronounced on : 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.5 of 2025

and

C.M.P(MD)No.127 of 2025

1.R.Maragatham

2.P.Thangam

3.Dhanasekaran

... Petitioners

Vs.

Kavitha Devi

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the D.V.C.No.9 of 2024 on the file of the Judicial Magistrate Court, Aranthangi and transfer the same to the file of the Additional Mahila Court, Karur.

For Petitioners : Mr.B.Prasanna Vinoth

For Respondent : Mr.K.Ilaiyaraja



Tr.C.M.P(MD)No.5 of 2025

ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the D.V.C.No.9 of 2024 on the file of Judicial Magistrate Court, Aranthangi and to transfer the same to the file of the Additional Mahila Court, Karur.

2. The respondent is the wife of the deceased Boopalan, who was the son of the first petitioner. The said Boopalan died on 03.07.2021 due to kidney failure. There were matrimonial family disputes between the petitioners and the respondent. Consequently, the respondent has filed D.V.C.No.9 of 2024 on the file of the Judicial Magistrate Court, Aranthangi, against the petitioners. The petitioners have filed D.V.C.No.11 of 2024 on the file of the Additional Mahila Court, Karur. The cases are pending. At this stage, the petitioners have filed this transfer petition.

3. The learned counsel for the petitioners has submitted that after marriage, the respondent with her husband, was living separately, leaving the in-laws. Due to torture and harassment of the respondent, her husband was suffering from kidney ailments and he died on 03.07.2021. Thereafter, the respondent with the help of her brothers, started torturing and threatening the petitioners.



Tr.C.M.P(MD)No.5 of 2025

The respondent filed D.V.C.No.9 of 2024 before the Judicial Magistrate Court, Aranthangi, against the petitioners. As there was a life threat at the instance of the respondent, the petitioners have filed D.V.C.No.11 of 2024 before the Additional Mahila Court, Karur. The petitioners 1 and 2 are sisters, both are aged more than 65 years, the third petitioner is the son of the first petitioner and he is working as a daily wager at Karur. The second petitioner can't move due to his heart ailment and also due to age related issues. The petitioners find it very difficult to travel to Aranthangi.

4. The learned counsel for the respondent objected the petition. The learned counsel further submitted that the petitioners have not filed any medical records to show the ailment of the second petitioner. In spite of referring to mediation, amicable settlement was not reached. The respondent with her brothers had not harassed the petitioners as alleged by them. The respondent is willing to transfer the case to Trichy.

5. Submissions of both side considered. On hearing both and on perusal of records, it is clear that the marriage between the son of the first petitioner and the respondent was held on 23.06.2004. The respondent's husband died on 03.07.2021 due to kidney failure after 17 years from marriage. They have no



Tr.C.M.P(MD)No.5 of 2025

children out of wedlock. On domestic affairs, there has been a dispute upon jewels and other articles and properties between the mother-in-law and daughter-in-law, which resulted filing of DVC cases by both parties. The petitioners 1 and 2 are aged more than 65 years. The third petitioner is stated to be a daily wager.

6. The respondent has no serious objection in transferring the case to Trichy. The other rival allegations cannot be decided in this petition and the same can be decided by the trial Court in the main petition after adducing evidences. As of now, the petitioners are residing at Karur and they find it very difficult to attend the Court at Aranthangi by travelling up and down 320 kms. Though it is a settled principle that the wife's convenience is predominantly looked into, the case is not pending between the spouses, but between the mother-in-law and daughter-in-law. The respondent is ready to travel to Trichy as she is willing to transfer the case to Trichy. So, there would not be hardship for the respondent to further travel to Karur. In the above facts and circumstances, this Court is inclined to allow this petition.

7. In the result, this Transfer Civil Miscellaneous Petition is allowed. The case in D.V.C.No.9 of 2024 on the file of Judicial Magistrate Court, Aranthangi, is hereby withdrawn and transferred to the file of the Additional



Tr.C.M.P(MD)No.5 of 2025

Mahila Court, Karur. The learned Judicial Magistrate Court, Aranthangi, is

directed to transmit the entire records pertaining to the case in DVC.No.9 of 2024

to the transferee Court, within a period of two weeks from the date of receipt of a

copy of this order. No costs. Consequently, the connected Miscellaneous

Petition is closed.

28.04.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

VSD

To

1.The Judicial Magistrate Court,
Aranthangi

2.The Additional Mahila Court,
Karur.

3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD)No.5 of 2025

P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Tr.C.M.P(MD)No.5 of 2025
and
C.M.P(MD)No.127 of 2025

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