



Tr.C.M.P.Nos121 & 388 of 2025.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: .23.01.2026

CORAM:

THE HONOURABLE DR.JUSTICE A.D. MARIA CLETE

Tr.C.M.P. Nos.121 and 388 of 2025

and

C.M.P. Nos.2524 and 8634 of 2025

Tr.C.M.P. No.388 of 2025

Reshmi Das

... Petitioner

-versus-

A. Alwin Jaba Singh

... Respondent

Prayer in Tr.C.M.P. No.388 of 2025: Petition filed under Section 24 of the Code of Civil Procedure to withdraw D.V.C. No.16 of 2023 on the file of the Metropolitan Magistrate, Madhavaram, Chennai, and transfer the same to the file of the Judicial Magistrate-I, Kuzhithurai.

Prayer in C.M.P. No.8634 of 2025: Petition filed to grant interim stay of all further proceedings in D.V.C. No.16 of 2023.

For Petitioner : Mr.Charles Kamalesh M.Appaji

For Respondent : Mr.D.Daniel



Tr.C.M.P.Nos121 & 388 of 2025.

Tr.C.M.P. No.121 of 2025

A. Alwin Jaba Singh

... Petitioner

-versus-

Reshmi Das

... Respondent

Prayer in Tr.C.M.P. No.121 of 2025: Petition filed under Section 24 of the Code of Civil Procedure to withdraw I.D.O.P. No.1136 of 2024 on the file of the Family Court, Nagercoil, and transfer the same to the file of the Family Court, Chennai.

Prayer in C.M.P. No.2524 of 2025: Petition filed to grant interim stay of all further proceedings in I.D.O.P. No.1136 of 2024.

For Petitioner : Mr.D.Daniel

For Respondent : Mr.Charles Kamalesh M.Appaji

ORDER

1. Heard.
2. Tr.C.M.P. No.388 of 2025 has been filed by the wife seeking transfer of D.V.C. No.16 of 2023 from the file of the Metropolitan Magistrate, Madhavaram, Chennai, to the file of the Judicial Magistrate-I, Kuzhithurai.



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3. Tr.C.M.P. No.121 of 2025 has been filed by the husband seeking transfer of I.D.O.P. No.1136 of 2024 from the file of the Family Court, Nagercoil, to the file of the Family Court, Chennai.

4. Learned counsel for the petitioner/husband in Tr.C.M.P.No.121 of 2025 submitted that both the DVC proceedings and divorce petition were filed by the wife. Marriage held in Chennai and both the parties are living in Chennai. The wife has to file divorce petition before jurisdictional court at Chennai. Whereas, the wife has filed divorce petition before Nagerkoil. Now, the wife is seeking transfer of DVC proceedings from Chennai to Kuzhithurai. Hence, both the cases to be heard at Chennai.

5. The proceeding sought to be transferred is under the Protection of Women from Domestic Violence Act, 2005. Section 27 of the DV Act provides that jurisdiction is attracted, inter alia, by the place where the aggrieved woman permanently or temporarily resides. In the present case, the petitioner/ wife is shown to be residing at Kuzhithurai.



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6. Having regard to the residence of the wife and the pendency of the Domestic Violence Case, this Court is of the view that the prayer made in Tr.C.M.P. No.388 of 2025 deserves acceptance.

7. The petitioner husband in Tr.C.M.P.No.121 of 2024 is seeking transfer of divorce proceedings from Nagercoil to Chennai. As the Domestic Violence proceedings are pending and the wife is residing at Kuzhithurai, this Court finds no justifiable ground to allow the transfer sought by the husband in Tr.C.M.P. No.121 of 2025. Hence, the said petition is liable to be dismissed.

8. Accordingly, Tr.C.M.P.No388 of 2025 is allowed. D.V.C. No.16 of 2023 on the file of the Metropolitan Magistrate, Madhavaram, Chennai, is withdrawn and transferred to the file of the Judicial Magistrate-I, Kuzhithurai. The Metropolitan Magistrate, Madhavaram, shall transmit the entire records to the Judicial Magistrate-I, Kuzhithurai, within three weeks from the date of receipt of this order and the Judicial Magistrate-I, Kuzhithurai, shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this



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order. Interim stay granted by this Court shall stand vacated and C.M.P.

No.8634 of 2025 is closed. There shall be no order as to costs.

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9. Tr.C.M.P. No.121 of 2025 is dismissed. Consequently, C.M.P. No.2524 of 2025 is closed. There shall be no order as to costs.

23.01.2026

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To

1. Metropolitan Magistrate, Madhavaram, Chennai
2. Judicial Magistrate-1, Kuzhithurai.



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DR. A.D. MARIA CLETE, J

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**Tr.C.M.P. Nos.121 and 388 of 2025
and
C.M.P. Nos.2524 and 8634 of 2025**

23.01.2026