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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P.No.1338 of 2025
and
CMP No.30944 of 2025

1. H.Krishnamoorthy
2. H.Govindammal ... Petitioners

Vs

Jayalakshmi ... Respondent

PRAYER inTr.C.M.P:

This Transfer Miscellaneous Petition is filed under Section 24 C.P.C., to withdraw and transfer DVC No.77 of 2024 on the file of the Additional Mahila Court, Alandur to Judicial Magistrate No.II at Tindivanam or any competent Court to try the same.

PRAYER in C.M.P:

To stay all further proceedings in DVC No.77 of 2024 on the file of the Additional Mahila Court, Alandur, pending disposal of the above transfer civil miscellaneous petition.

For Petitioner : Mr.E.Kandhan

For Respondent :Mr.A.Thirumaran

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O R D E R

Heard.

2. The petitioners/husband and mother seek transfer of the proceedings in D.V.C. No.77 of 2024 pending on the file of the Additional Mahila Court at Alandur to the file of the Judicial Magistrate No.II, Tindivanam, or any competent Court.

3. The petitioners state that the respondent/wife has been living separately at Chennai and that she is residing at Medavakkam/Perumbakkam. They plead hardship in attending the case at Alandur, by stating that they reside at Kodukkur Village, Tindivanam Taluk, Villupuram District and that the 2nd petitioner/mother is aged and bedridden requiring constant care; it is also stated that the matter was earlier referred to mediation and that H.M.O.P. No.166 of 2025 is pending at Tindivanam.

4. This Court has considered the material placed. 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 respondent/aggrieved woman is shown to be

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residing within Chennai and the D.V.C. is pending before the Additional Mahila Court at Alandur.

5. Transfer of the D.V.C. from Alandur to Tindivanam would have the effect of shifting the forum away from the place of residence of the aggrieved woman, while in law, jurisdiction in domestic violence proceedings follows the residence of the aggrieved woman under Section 27 of the DV Act. The reasons put forth by the petitioners, namely distance, personal inconvenience and the illness/age of the 2nd petitioner, by themselves, do not constitute sufficient grounds to exercise the discretionary power of transfer in a proceeding of this nature. For the above reasons, the transfer sought is declined.

6. Accordingly, Tr.C.M.P. No.1338 of 2025 is dismissed and consequently, connected C.M.P. No.30944 of 2025 is also dismissed. There shall be no order as to costs.

19.01.2026

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Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation: Yes / No

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To

1. Additional Mahila Court, Alandur

2. Judicial Magistrate No.II at Tindivanam

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DR. A.D. MARIA CLETE, J

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