



Tr.C.M.P(MD).No.588 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.588 of 2025

and

C.M.P(MD)No.16575 of 2025

1. S.Latheef Sheikh
2. Baithnisha
3. Sheikh Dawood
4. Tasleem Arif

Petitioners

Vs

Jeelani Fathima

Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in D.V.C.No.16 of 2024 on the file of the Judicial Magistrate Court at Periyakulam and transfer the same to Principal Family Court, Madurai.

For Petitioners : Mr.D.Anandan

For Respondent : No Appearance.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in D.V.C.No.16 of 2024 on the file of the Judicial



Tr.C.M.P(MD).No.588 of 2025

Magistrate Court at Periyakulam and transfer the same to Principal Family Court, Madurai.

2. It is evident from the records that the marriage between the parties was solemnized on 22.01.2018 as per Muslim customs and rites and due to their wed-lock they were blessed with a female child and that subsequently, there arose some misunderstanding between them and they are living separately.

3. It is further evident from the records that the first petitioner filed a suit in O.S.N0.252 of 2022 to declare the marriage between the parties as dissolved as per Shariah Law (Muslim Personal Law) and was pending on the file of the I Additional Family Court, Chennai. It is also evident from the records that the respondent has initiated the proceedings under the Domestic Violence Act and the same is pending in D.V.C.No.16 of 2024 on the file of the Judicial Magistrate Court at Periyakulam.

4. Despite service of notice on the respondent as well as the counsel appearing for the respondent before the trial Court, the respondent has not turned up.



Tr.C.M.P(MD).No.588 of 2025

WEB COPY

5. The learned counsel for the petitioners would submit that the respondent has filed the Domestic Violence complaint with false and untenable allegations; that the petitioners are residing at Chennai and find it very difficult to travel to Periyakulam to attend all the hearings. He would further submit that the respondent has also filed a transfer petition in Tr.C.M.P.No.15 of 2023, seeking transfer of the suit in O.S.No.252 of 2022 pending on the file of the I Additional Family Court, Chennai, to the Principal District Court, Theni, and this Court considering the submissions made on either side passed an order, dated 15.06.2023, transferring the suit to the file of the District Court, Madurai and that subsequently, the suit was dismissed.

6. Considering the facts and circumstances of the case and taking note of the fact that the petitioners are residing at Chennai and also taking note of the fact that the earlier suit filed by the first petitioner was transferred at the instance of the respondent to the District Court, Madurai, this Court is inclined to transfer the petition in D.V.C.No.16 of 2024 pending on the file of the Judicial Magistrate Court at Periyakulam, to the file of the Additional Mahila Court, Madurai.



Tr.C.M.P(MD).No.588 of 2025

WEB COPY

7. Accordingly, the Transfer Civil Miscellaneous Petition is ordered.

The DVC proceedings in D.V.C.No.16 of 2024, is ordered to be withdrawn from the file of the Judicial Magistrate Court at Periyakulam, and transfer the same to the Additional Mahila Court, Madurai. The learned Judicial Magistrate, Periyakulam, is hereby directed to transmit the entire records in D.V.C.No.16 of 2024 to the file of the Additional Mahila Court, Madurai, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case bundle, the learned Judge, Additional Mahila Court, Madurai, is directed to take up the petition on file and proceed in accordance with law.

8. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.
No costs.

07.04.2026

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



WEB COPY



Tr.C.M.P(MD).No.588 of 2025

To

- 1.The Judicial Magistrate Court at Periyakulam.
- 2.The Additional Mahila Court, Madurai.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Tr.C.M.P(MD).No.588 of 2025

K.MURALI SHANKAR, J.

DAS

Order made in
Tr.C.M.P (MD).No.588 of 2025
and
C.M.P(MD)No.16575 of 2025

07.04.2026