



WEB COPY

TR CMP No. 124 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 124 of 2026

AND

CMP NO. 2966 OF 2026

1. Madhankumar,
S/o.Pandurengan,
3rd Cross Street,
Padmavathy Illam,
Thiruvaiyaru,
Thirukattupally Road,
Philomina Nagar, Thanjavur.
2. Pandurengan,
S/o.Ondachiya Pillai,
3rd Cross Street,
Padmavathy Illam,
Thiruvaiyaru,
Thirukattupally Road,
Philomina Nagar, Thanjavur.
3. Manoharan,
S/o.Pandurengan,
3rd Cross Street,
Padmavathy Illam,
Thiruvaiyaru,
Thirukattupally Road,
Philomina Nagar, Thanjavur.
4. Abhinaya,
W/o.Manoharan,
3rd Cross Street,
Padmavathy Illam,
Thiruvaiyaru,
Thirukattupally Road,
Philomina Nagar,
Thanjavur.
5. Mahendran,
S/o.Pandurengan,



3rd Cross Street,
Padmavathy Illam,
Thiruvaiyaru,
Thirukattupally Road,
Philomina Nagar,
Thanjavur.

..Petitioner(s)

Vs

1. Vidyapriya,
D/o.Ganapathy,
W/o.Madankumar,
Residing at No.55A,
2nd Cross Street,
Mettupangala, Kadambadi,
Nagapattinam.
2. Minor Aadhvika,
D/o.Madankumar,
Rrepresented by her natural guardian/mother
Repondent No.1,
Residing at No.55A, 2nd Cross Street,
Mettupangala,
Kadambadi,
Nagapattinam.

..Respondent(s)

CMP No. 2966 of 2026

1. Madhankumar,
S/o.Pandurengan,
3rd Cross Street,
Padmavathy Illam,
Thiruvaiyaru,
Thirukattupally Road,
Philomina Nagar,
Thanjavur.
2. Pandurengan,
S/o.Ondachiya Pillai,
3rd Cross Street,
Padmavathy Illam,
Thiruvaiyaru,
Thirukattupally Road,



Philomina Nagar, Thanjavur.

3. Manoharan,
S/o.Pandurengan,
3rd Cross Street,
Padmavathy Illam,
Thiruvaiyaru,
Thirukattupally Road,
Philomina Nagar, Thanjavur.

4. Abhinaya,
W/o.Manoharan,
3rd Cross Street,
Padmavathy Illam,
Thiruvaiyaru,
Thirukattupally Road,
Philomina Nagar,
Thanjavur.

5. Mahendran,
S/o.Pandurengan,
3rd Cross Street,
Padmavathy Illam,
Thiruvaiyaru,
Thirukattupally Road,
Philomina Nagar,
Thanjavur.

..Appellant(s)

Vs

1. Vidyapriya,
D/o.Ganapathy,
W/o.Madankumar,
Residing at No.55A,
2nd Cross Street,
Mettupangala,
Kadambadi,
Nagapattinam.
2. Minor Aadhvika,
D/o.Madankumar,
Rrepresented by her natural guardian/mother
Repondent No.1,



Residing at No.55A, 2nd Cross Street,
Mettupangala,
Kadambadi,
Nagapattinam.

..Respondent(s)

TR CMP No. 124 of 2026

To withdraw the case in D.V.C. No.33 of 2022 pending on the file of the Learned Additional Mahila Judicial Magistrate, Nagapattinam and transfer the same to the file of Honble Family Court, Nagapattinam and try along with HMOP.No.77 of 2023 and to pass such further or other orders as may deem fit and proper and thus render justice.

CMP No. 2966 of 2026

To Stay of all further proceedings in D.V.C.No.33 of 2022 pending on the file of the Learned Additional Mahila, Judicial Magistrate, Nagapattinam, pending disposal of the Transfer CMP., and thus render Justice.

TR CMP No. 124 of 2026

For Petitioner(s): Mr.K.Pragadeesh Kumar

For Respondent(s): Ms.Mythili Srinivas

Order

Heard.

2. This Transfer Civil Miscellaneous Petition has been filed to withdraw D.V.C. No.33 of 2022 from the file of the Additional Mahila Judicial Magistrate Court, Nagapattinam and to transfer the same to the file of the Family Court, Nagapattinam.



3. The petitioners are the respondents in the Domestic Violence Case. The first respondent is the wife and the second respondent is the minor child.

It is stated that the husband has filed H.M.O.P. No.77 of 2023 before the Family Court, Nagapattinam, seeking dissolution of marriage, and that in view of the pendency of the said matrimonial proceeding, the petitioners seek transfer of the Domestic Violence Case also to the Family Court, Nagapattinam, for avoiding the multiplicity of proceedings and conflicting of judgments. Elaborate oral and written submissions were made by the petitioner side in support of their contentions seeking transfer.

4. The learned counsel appearing for the respondents objected stating that the DV case trial proceedings have progressed substantially and further that a proceeding under the Protection of Women from Domestic Violence Act, 2005 is a proceeding maintainable before the Jurisdictional Magistrate, and such D.V.C. cannot be transferred to the Family Court.

5. This Court has considered the rival submissions. In **Shaurabh Kumar Tripathi v. Vidhi Rawal 2025 INSC 734, decided on 19.05.2025**, the Supreme Court has clarified that while Section 26 enables an aggrieved person to seek reliefs under Sections 18 to 22 in any pending legal



proceeding before a civil court/family court/criminal court affecting her, Section 26 does not confer jurisdiction on courts other than those contemplated by Section 27 to entertain an application under Section 12 of the Act. Therefore, the relief of transfer sought in this Transfer C.M.P. cannot be granted.

6. Accordingly, Tr.C.M.P. No.124 of 2026 is dismissed. If any interim order/stay has been granted, the same shall stand vacated and the connected C.M.P. is closed. There shall be no order as to costs.

26-02-2026

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

DPQ

To

1. Additional Mahila Judicial Magistrate, Nagapattinam
2. Family Court, Nagapattinam



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DR.A.D.MARIA CLETE J.

DPQ

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