

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Appeal No.123 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The appellants herein are the petitioners in the writ petition. They are the mother, brother and sister of the complainant. A writ of prohibition is sought by them on the ground that proceedings under the Protection of Women from Domestic Violence Act, 2005 (Act 43 of 2005) is not maintainable against the complainant's own mother, brother and sister. A writ of prohibition would lie where the jurisdiction of a Court or Tribunal, to entertain a complaint/petition, is put in issue. In any event, the question whether such a writ is maintainable can also be examined at the stage of admission of the writ petition. The order under appeal, sustaining the objection of the registry, is set aside. The writ petition shall be numbered and listed before the appropriate Bench.

The writ appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

1st February, 2017

Note:
Furnish c.c. today.
b/o
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