

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19/12/2019

C O R A M:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Tr.C.M.P. No.809 of 2019
and C.M.P. No.22567 of 2019

N.Vishalakshi ... Petitioner

Vs.

S.P.Saravanan ... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code r/w 151 CPC, to withdraw H.M.O.P. No.616 of 2019 pending on the file of Additional Principal Family Court, Coimbatore and transfer the same to Family Court, Chennai for trial or disposal.

For Petitioner : Mr.P.Sidharthan

For Respondent : Mr.C.T.Mohan

ORDER

On account of misunderstanding between the spouses, domestic violence case has been filed, which is pending on the file of Additional Mahila Court at Egmore, Chennai in D.V.C.C. No.2870 of 2015. Respondent herein/husband of the petitioner, has filed H.M.O.P. No.616 of 2019 on the file of Additional Principal Family Court, Coimbatore, for restitution of conjugal rights. Both the cases are interconnected and that a reading of the affidavit filed in support of the transfer civil miscellaneous petition, shows that there is a family dispute among the spouses. Even for arriving at a settlement between the parties, it is advisable that both the matters are tried together in the same court.

2. Section 26 of the Protection of Women from Domestic Violence Act, 2005, is very clear that relief sought under certain provisions can be sought for in the Family Court, Civil Court or in the Criminal Court and that the petitioner would submit that she has sought for monetary relief and other reliefs

in the domestic violence case before the Additional Mahila Court at Egmore, Chennai.

3. The petitioner herein undertakes to take steps for transferring the domestic violence case in D.V.C.C. No.2870 of 2015 pending on the file of Additional Mahila Court at Egmore, Chennai to Family Court, Chennai and will request the Additional Mahila Judge, Egmore not to deal with the domestic violence case D.V.C.C. No.2870 of 2015, filed by the petitioner herein, as the petitioner is going to get the matter transferred to Family Court, Chennai. The Additional Principal Family Court, Coimbatore shall transfer the case within 30 days from the date of receipt of this order.

4. After hearing both parties and the undertaking given supra, in order to avoid spending more time on litigation and in order to arrive at an amicable settlement, at the earliest point of time and that the petitioner has no objection for the domestic violence case being transferred from Additional Mahila Court at Egmore, Chennai to the Family Court, Chennai, this court is inclined to order transfer of H.M.O.P. No.616 of 2019 pending on the file of Additional Principal Family Court at Coimbatore, to the Family Court, Chennai. It is further directed that both the cases may be tried by the Family Court, Chennai, without adjourning the matter beyond 30 days at any point of time, in order to bring the issue to a logical end.

5. Before parting with this case, this court would have dismissed the Transfer Civil Miscellaneous Petition had the petitioner has not accepted for joint trial and get the domestic violence case tried by the Family Court, Chennai, as there are no merits to transfer the case as sought for by the petitioner. If the petitioner does not take steps to transfer the domestic violence case, within 30 days, for all the hearings, where the respondent is present, the petitioner shall bear the costs for travel of the respondent, which shall not be less than Rs.1,000/- per hearing. सत्यमेव जयते

6. With the above directions, the transfer civil miscellaneous petition is ordered. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Asr

To

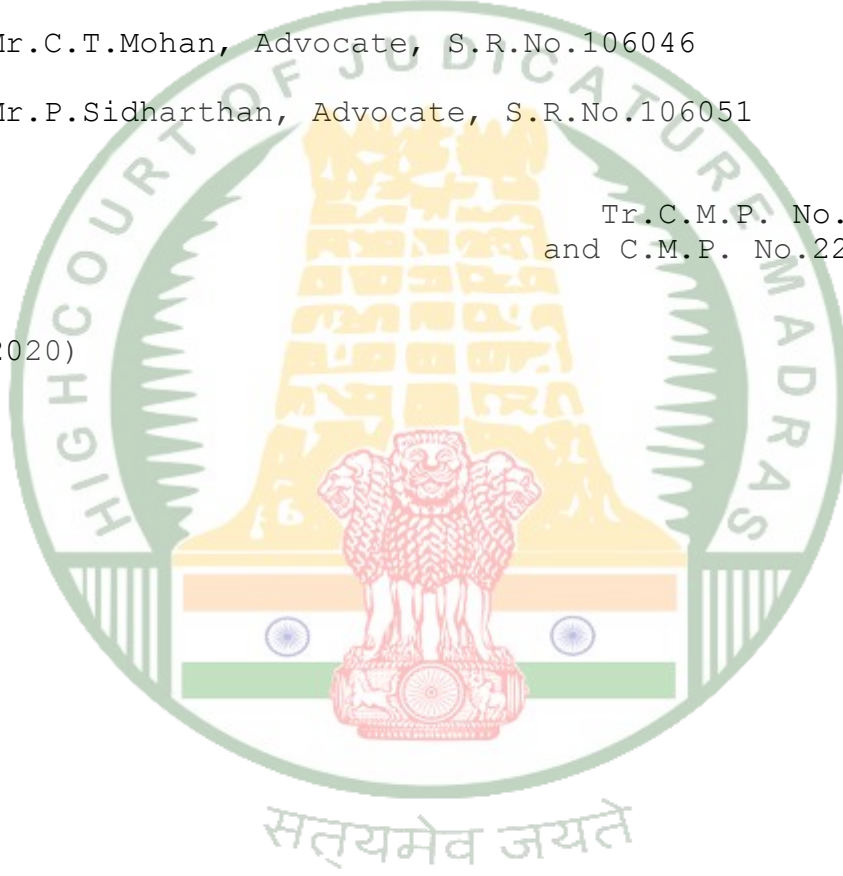
- 1) The Additional Principal Family Court,
Coimbatore.
- 2) The Family Court,
Chennai.
- 3) The Additional Mahila Court
Egmore,
Chennai.

+1 cc to Mr.C.T.Mohan, Advocate, S.R.No.106046

+1 cc to Mr.P.Sidharthan, Advocate, S.R.No.106051

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PP(CO)
RN(21/05/2020)



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