

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.42 of 2020

P.Raja Parekh

.. Petitioner

-vs-

Mrs.Jyoti

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the D.V.C.No.101 of 2019 on the file of the Additional Mahila Court, Egmore, Chennai and transfer the same to the V Additional Family Court, Chennai, to be tried along with H.M.O.P.No.4686 of 2018 and M.C.No.505 of 2018.

For Petitioner :: Mr.D.Bharatha Chakravarthy

For Respondent :: No appearance

ORDER

Heard learned counsel for the petitioner through video conferencing due to the Covid-19 pandemic.

2. The petitioner-Mr.P.Raja Parekh, Husband of Mrs.Jyoti, the respondent herein has filed this transfer civil miscellaneous petition seeking withdrawal of the D.V.C.No.101 of 2019 from the file of the Additional Mahila Court, Egmore, Chennai and transfer the same to the V Additional Family Court, Chennai, to be tried along with H.M.O.P.No.4686 of 2018 and M.C.No.505 of 2018, in the interest of both parties.

3. Learned counsel appearing for the petitioner pleaded that when the respondent/wife has filed H.M.O.P.No.4686 of 2018 for divorce on the ground of cruelty and M.C.No.505 of 2018 for alimony against the petitioner, which are pending on the file of the V Additional Family Court, Chennai, has again filed D.V.C.No.101 of 2019 under the provisions of the Protection of Women from Domestic Violence Act, 2005 before the Additional Mahila Court, Egmore, Chennai on the ground of domestic violence against the petitioner. When the respondent has filed three petitions as mentioned above, by virtue of Section 26 of the Protection of Women from Domestic Violence Act, the D.V.C.No.101 of 2019 pending on the file of the Additional Mahila Court, Egmore can be heard by the V Additional Family Court, Chennai considering the interest and convenience of

both the parties. He also stated that accepting the said stand, this Court also, keeping in mind the problems faced by both the parties who have to appear before 2 or 3 Courts, has transferred similar domestic violence cases pending either before the Mahila Court or the criminal Court, to the Family Court for a joint trial. Therefore, there is no harm if all the aforementioned three cases filed by the respondent are heard jointly by the V Additional Family Court, Chennai.

4. Although notice has been served, none appeared for the respondent.

5. This Court also finds merit on the arguments advanced by the learned counsel appearing for the petitioner that by virtue of Section 26 of the Protection of Women from Domestic Violence Act, the D.V.C.No.101 of 2019 pending before the Additional Mahila Court, Egmore, Chennai can also be tried by the V Additional Family Court, Chennai. Since the V Additional Family Court, Chennai is already seized of the two matters in H.M.O.P.No.4686 of 2018 seeking divorce and also M.C.No.505 of 2018 for alimony filed by the respondent, considering the convenience of both parties and also to save the precious time of both the Courts as well to avoid multiplicity of proceedings, accepting the prayer of the petitioner, the transfer civil miscellaneous petition stands allowed and the D.V.C.No.101 of 2019 is withdrawn from the file of the Additional Mahila Court, Egmore, Chennai and transferred to the V Additional Family Court, Chennai for an expeditious disposal on merits, along with the aforementioned two cases. Consequently, C.M.P.No.1166 of 2020 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Mahila Court Judge
Egmore, Chennai
2. The V Additional Family Court Judge
Chennai.

+lcc to Mr.T.Sai Krishnan, Advocate, S.R.No.24863

Tr.C.M.P.No.42 of 2020

AD(CO)
CB(06/08/2020)