

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.21804 of 2017

Cr.M.P.No.12834 of 2017

Benjamin Shiloh Davidson ... Petitioner

Vs.

1.Dr.Mrs.Angeline Archana

2.M.Ravikumar

3.Dr.Mrs.Eva Ravikumar ... Respondents

PRAYER: This Criminal Original Petition filed under section 482 of Cr.P.C., seeking to withdraw the DVA No.26/2017, pending on the file of the Judicial Magistrate-VI, Coimbatore and transfer the same to be tried along with D.O.P.No.828 of 2017 and D.O.P.No.922 of 2017, pending on the file of the Additional Family Court, Coimbatore.

For Petitioner : Mr.A.E.Ravi Chandran

For Respondent : Mr.K.Kannan for R1

ORDER

(The case has been heard through video conference)

This petition has been filed to transfer the petition in D.V.A.No.26 of 2017 filed by the first respondent on the file of the Judicial Magistrate No.6, Coimbatore to be tried along with D.O.P.No.828 of 2017 and D.O.P.No.922 of 2017, pending on the file of the Additional Family Court, Coimbatore.

2. The learned counsel appearing for the petitioner would submit that the petitioner, who is being the husband of the first respondent herein, filed a petition in D.O.P.No.828 of

2017, which is pending before the Additional Family Court, Coimbatore. He would submit that the first respondent/wife of the petitioner also filed a petition for restitution of conjugal rights in D.O.P.No.922 of 2017, which is also pending before the same Court namely Additional Family Court, Coimbatore. Therefore, it is convenient for both the petitioner as well as the first respondent to appear before the concerned Court. Therefore, he sought for transfer of Domestic Violence Petition filed by the first respondent to the file of the Additional Family Court, Coimbatore. Further submitted that all the disputes arising out of the family in between the petitioner as well as the first respondent and as such, the joint trial can be, if possible, transferred from the Judicial Magistrate No.6, Coimbatore to the Additional Family Court, Coimbatore.

3. The learned counsel appearing for the respondents would submit that the first respondent had filed the petition under the Domestic Violence Act in D.V.A.No.26 of 2017 before the Judicial Magistrate No.VI, Coimbatore seeking maintenance and other reliefs as contemplated under the Domestic Violence Act. After receipt of summon from the Magistrate Court, the petitioner, who is being the husband of the first respondent, filed a Divorce Petition in D.O.P.No.828 of 2017 before the Additional Family Court, Coimbatore. Thereafter, the first respondent filed the petition to reconstitute conjugal rights in D.O.P.No.922 of 2017, which is also pending before the Additional Family Court, Coimbatore. All the disputes arising out of the family dispute cannot be clubbed together along with trial. Further, the Domestic Violence complaint and also Divorce proceedings are pending in the combined Court building and there is no such absolute difficulty to the petitioner to appear before the concerned Court and therefore, he sought for dismissal of this petition.

4. Heard, the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5. It is seen that the petitioner is the husband of the first respondent herein. They got married in the year 2009 and thereafter, due to misunderstanding between them, they got separated and the first respondent filed a petition under the Domestic Violence Act in D.V.A.No.26 of 2017, which is pending before the Judicial Magistrate No.6, Coimbatore. On receipt of summon from the said complaint, the petitioner, who is being the husband of the first respondent, filed a petition in D.O.P.No.828 of 2017 before the Additional Family Court, Coimbatore. Thereafter, the first respondent also filed the petition for restitution of conjugal rights in D.O.P.No.922 of 2017, which is also pending before the Additional Family Court, Coimbatore. Consequently, all the petitions are pending in the

combined Court building and there is no such absolute difficulty for the petitioner to appear before the Judicial Magistrate No.6, Coimbatore in Domestic Violence Proceedings. Though all the disputes arising from the family dispute between the petitioner and the first respondent, cannot be ordered for joint trial, since the Domestic Violence complaint filed for various reliefs and maintenance. Therefore, this Court is not inclined to transfer the Domestic Violence complaint from the file of the Judicial Magistrate No.6, Coimbatore to the Additional Family Court, Coimbatore.

6. Accordingly, the Criminal original Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssb

To

1.The Judicial Magistrate -IV
Coimbatore.

2.The Additional Judge Family Court,
Coimbatore.

Crl.O.P.No.21804 of 2017

LN (CO)

RMP (29/09/2020)

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