

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

Coram

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.R.P. (PD) No. 1003 of 2021

And

C.M.P.No. 8085 of 2021

Ranjini

... Petitioner/Petitioner

-Vs-

R.Ganesh

.... Respondent / Respondent

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code to set aside the order made in I.A.No. 1 of 2020 in O.P.No. 20 of 2019 on the file of the Family Court at Udhagamandalam.

For Petitioner : M/s. Reshmi Christy

For Respondent : M/s. Harshika

ORDER

WEB COPY

The Revision has been filed questioning the order dated 09.01.2021 in I.A.No. 1 of 2020, which Interlocutory Application has been filed in O.P.No. 20 of 2019.

2. I.A.No. 1 of 2020 had been filed by the revision petitioner herein questioning the jurisdiction of the Family Court at Ooty/Udhagamandalam/Nilgiris and all the names are referred since the learned counsel for the petitioner is of the opinion that Udhagamandalam is in a different place and Nilgiris is in a different place, questioning the jurisdiction to further enquire O.P.No. 20 of 2019.

3. O.P.No. 20 of 2019 had been filed taking advantage of Section 7 of Guardian and Wards Act for custody of a minor daughter. The revision petitioner herein had filed I.A.No. 1 of 2020 questioning jurisdiction of the Family Court to entertain and hear the petition.

4. It is stated that the said application should have been filed to the District Court. However under Section 4(5) of the Guardian and Wards Act and also Section 7 of the Family Courts Act, once a Family Court has been constituted in a District, the jurisdiction vests with the said Family Court.

5. This view has also been taken by the Gauhati High Court in *Jamini Mahanta & Another (2009) 6 Gauhati Law Reports 696* and also by the Bombay High Court in *Vimalashram Gharkul of Amprapali Utkarsha Sangh Vs. Jyoti Banson Joseph [2006(4) Mh.L.J.* The jurisdiction of Family Court has been affirmed by a Full Bench of the Bombay High Court in *AIR 2000 Bom 356 (FB) Romila Jaidev Shroff Vs. Jaidev Rajnikant Shroff.*

6. I do not find any reason to interfere with the order now questioned in this revision. The learned counsel for the petitioner may well advise the revision petitioner to participate in the judicial proceedings.

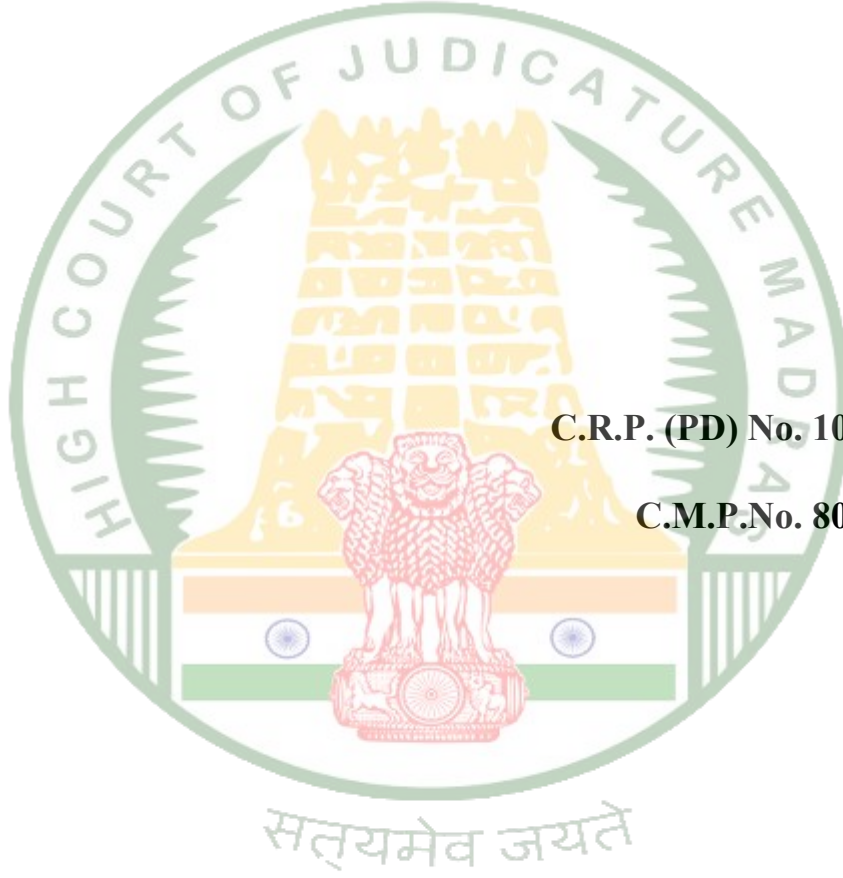
7. With the above said observation, this Civil Revision Petition is dismissed. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

vsg

19.07.2021

C.V.KARTHIKEYAN, J.

vsg



**C.R.P. (PD) No. 1003 of 2021
And
C.M.P.No. 8085 of 2021**

WEB COPY

19.07.2021