

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRP(PD)No.1256 of 2021

and

CMP.No.9821 of 2021

[Through Video Conferencing]

V.Chockalingam ... Petitioner

Vs.

A.Natchal ... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, seeking to set aside the order and decretal order dated 15.03.2021 in Tr.O.P.No.36 of 2021 on the file of the learned Principal District Judge, Coimbatore and to direct the case in DVA.No.150 of 2019 pending on the file of the DVA Court, Coimbatore, to the file of the II Additional Subordinate Judge, Coimbatore to try along with HMOP No.67 of 2020.

For Petitioner : Mr.R.Srinivas
For Sithiraianandam

For Respondent : No appearance

ORDER

The revision petition has been filed questioning the order in Tr.O.P.No.36 of 2021, dated 15.03.2021 passed by the learned Principal District Judge at Coimbatore wherein an application had been made seeking to transfer DVA.No.150 of 2019, pending on the file of the DVA Court at Coimbatore to the file of the II Additional Sub Court at Coimbatore to be tried along with HMOP No.67 of 2020.

2.A perusal of the order, now questioned under this revision petition shows that the learned Principal District Judge, Coimbatore was deeply conscious of an earlier order passed by a learned Single Judge of this Court in CrI.O.P.No.16389 of 2020, dated 18.01.2021 wherein a direction was given that any petition filed under the Protection of Women from Domestic Violence Act should be disposed of within a period of three months.

3.In the teeth of that order, calling upon the learned Principal District Judge to circumvent that particular order by directing transfer of DVA petition to the file of the Sub Court at Coimbatore to be tried along with HMOP No.67 of 2020 would not be permissible.

4.It is also seen that DVA No.150 of 2019 is at the stage of trial. As a matter of fact both parties have filed separate Matrimonial Original Petitions, the husband/petitioner herein seeking divorce and the wife/respondent herein seeking restitution of conjugal rights. Any petition under the Protection of Women from Domestic Violence Act will have to be tried within a specific time period and the wife/respondent herein merely seeks right to remain the matrimonial home. A finding on that relief will not effect the issues to be decided in the matrimonial petitions which are both in the service stage.

5.I concur with the order of the learned Principal District Judge, that transfer is not required. The cases have no similar issues to be tried together.

6.I find no reason to interfere with the order passed by the learned Sub Judge.

7.With the above direction, the Civil Revision Petition is disposed of. Consequently, the connected miscellaneous petition also stands closed. No order as to costs.

05.07.2021

Index:Yes/No
Internet:Yes/No

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<https://www.mhc.tn.gov.in/judis/>

C.V.KARTHIKEYAN, J.

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To

- 1.The Principal District Judge, Coimbatore.
- 2.The II Additional Subordinate Judge, Coimbatore.



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