

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P.(PD) No.1422 of 2021
and
C.M.P.No.11088 of 2021

C.Vijayamirtharaj

... Respondent / Petitioner

Vs

M.Amalagracy

... Petitioner / Respondent

Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the D.V.C.No.2 of 2021 pending on the file of the XVIII Metropolitan Magistrate Court Saidapet, Chennai.

For Petitioner ... Mr.M.V.Venkataseshan

For Respondent ... No Appearance

ORDER

This revision petition has been filed questioning the further pendency of D.V.C.No.2 of 2021 on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai.

2.The revision petitioner / husband had filed I.D.O.P.No.451 of 2019 against the respondent herein before the Family Court, Cuddalore and which petition had been transferred to the Principal District Family Court, Chennai, by orders in Tr.C.M.P.No.510 of 2020 dated 06.01.2021.

3.It is the contention of the learned counsel for the revision petitioner that the respondent never lived with the petitioner and D.V.C.No.2 of 2021 had been filed with false allegations. As a matter of record, it must be stated that the marriage between the petitioner and the respondent was solemnized on 13.06.2019. It is also the contention of the learned counsel that D.V.C.No.2 of 2021 had been filed with primary object to secure back the jewels and other items said to have been given by the respondent to the revision petitioner. The learned counsel pointed out that the revision petitioner herein had already been returned back all the jewels. It is also contended that D.V.C.No.2 of 2021 had been filed as a counter blast to the I.D.O.P.No.451 of 2019 filed by the revision petitioner which has been transferred to the Principal District Family Court, Chennai.

4.I am not able to understand that particular submission. The petitioner had a grievance against the respondent and he had approached the Court to redress his grievance by filing I.D.O.P.No.451 of 2019.

seek redressal she filed D.V.C.No.2 of 2021 incidentally before the XVIII Metropolitan Magistrate, Chennai. If at all the revision petitioner has some ground to claim that he had already returned back the jewels and other items claimed by the respondent herein, nothing prevents him from explaining the same before the learned Magistrate. The Court of the first instance is the court where facts can be settled and it is beyond the scope of this Court to examine these issues and I am not prepared to examine the same.

5.A liberty is given to the petitioner herein to approach the Magistrate Court. He has to answer the notice issued to him by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, and thereafter, invite a judicial order to be passed by the learned Magistrate.

6.I am confident that the learned Magistrate would pass orders on consideration of both the petition filed by the respondent herein and any counter filed by the revision petitioner.

7.The Civil Revision Petition does not sustain and the same is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

30.07.2021

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: Yes / No

Internet

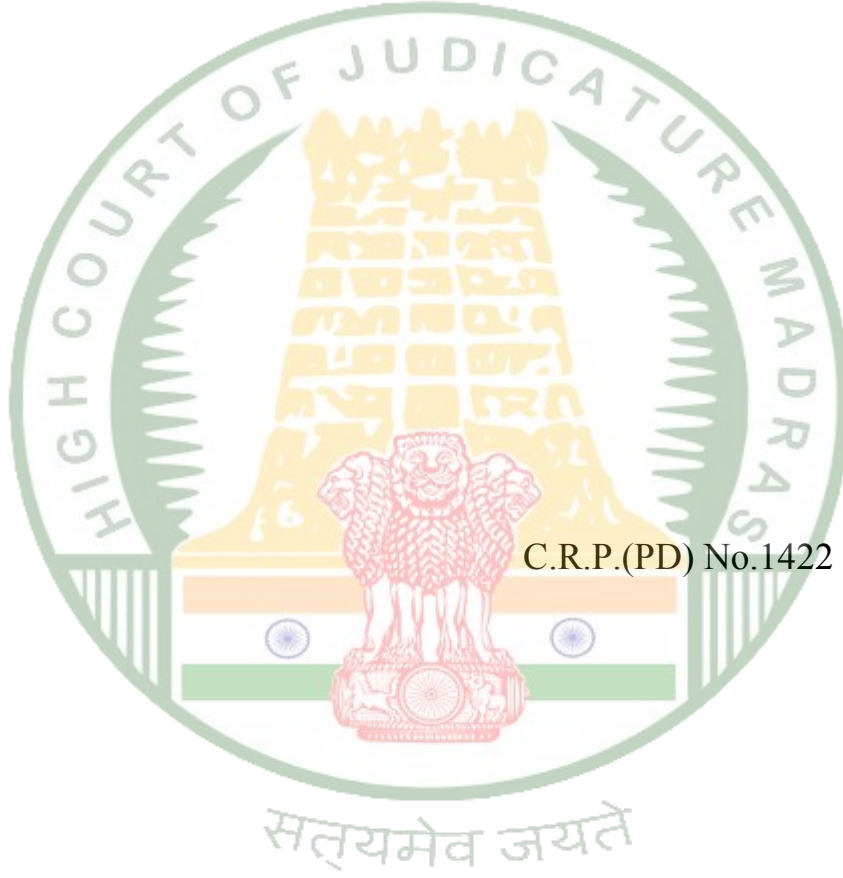
: Yes / No

C.V.KARTHIKEYAN,J.

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To:-

The XVIII Metropolitan Magistrate Court, Saidapet, Chennai.



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