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Tr.C.M.P.No.632 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.632 of 2021

and

C.M.P.No.15892 of 2021

1. Vidhyasagar. S

2. S. Brindha

3. S. Lavanya

... Petitioners

Vs.

V. Sukanya

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the Domestic Violence case No.26 of 2020 which is pending on the file of 23rd Metropolitan Magistrate Court at Saidapet, Chennai and transfer the same to 1st Additional Family Court, Chennai to be tried along with H.M.O.P.No.3027 of 2020 and H.M.O.P.No.2597 of 2020 and pass orders.

For Petitioner : Mrs.Selvi George for Mr. R. Balaraman

For Respondent : Mr.M. Aravindan



Tr.C.M.P.No.632 of 2021

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the Domestic Violence case No.26 of 2020 which is pending on the file of 23rd Metropolitan Magistrate Court at Saidapet, Chennai and transfer the same to 1st Additional Family Court, Chennai to be tried along with H.M.O.P.No.3027 of 2020 and H.M.O.P.No.2597 of 2020

2.The facts of the case is as follows:

2.1.First petitioner is the husband and the respondent is the wife. The second and third petitioners are mother and sister of the first petitioner. There was some matrimonial dispute between the couple, due to which the first petitioner/husband filed a H.M.O.P.No.3027 of 2020 and the respondent/wife filed a H.M.O.P.No.2597 of 2020 before the 1st Additional Family Court, Chennai. Thereafter, the respondent also filed D.V.Case No.26 of 2020 on the file of 23rd Metropolitan Magistrate Court, Saidapet.

2.2. The petitioners have filed the present petition, to withdraw the the Domestic Violence case No.26 of 2020 which is pending on the file of 23rd Metropolitan Magistrate Court at Saidapet, Chennai and transfer the same to 1st Additional Family Court, Chennai to be tried along with H.M.O.P.No.3027 of 2020 and H.M.O.P.No.2597 of 2020.



Tr.C.M.P.No.632 of 2021

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners submitted that the first petitioner and the respondent have filed 13B petition before the Family court on 20.02.2023 and both of them have withdrawn the H.M.O.P.No.3027 of 2020 and H.M.O.P.No.2597 of 2020 filed by them and further stated that the respondent-wife has made an undertaking in the 13B petition that she will withdraw the Domestic Violence case No.26 of 2020 and has also made and endorsement to that effect. Hence the learned counsel for the petitioners sought permission of this Court to withdraw this petition

4. In view of the submission and the endorsement made by the learned counsel for the petitioners, this petition is dismissed as withdrawn. Consequently connected miscellaneous petition is closed. No costs.

23.02.2023

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

smn

Note: The Registry is directed to issue order copy on 24.02.2023



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To

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1. 23rd Metropolitan Magistrate Court, Saidapet, Chennai
2. 1st Additional Family Court, Chennai



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V.BHAVANI SUBBAROYAN., J.

smn

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and
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23.02.2023