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CRP No.431 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.431 of 2024

1. Bhagyashree
2. Rohit Sethuraman (minor)
s/o Sethuraman,
rep. by his mother Bhagyashree, 1st petitioner .. Petitioners

Vs.

1. Kannan
2. K.Kalaichelvi
3. Madhumathi
Respondents ...

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Registry, City Civil Court, Chennai to transfer the entire records in CrI.A.No.130/2019 from the file of the Principal District Judge, Chennai to the XXIII Metropolitan Magistrate Court, Saidapet for speedy disposal of DVC No.59/2019, within a time frame, as fixed by this Court.

For Petitioners : Ms.M.Illakkiya



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ORDER

This civil revision petition has been filed to direct the Registry, City Civil Court, Chennai to transfer the entire records in CrI.A.No.130/2019 from the file of the Principal District Judge, Chennai to the XXIII Metropolitan Magistrate Court, Saidapet for speedy disposal of DVC No.59/2019, within a time frame, as fixed by this Court.

2. On perusal of the records, it shows that, the first petitioner is the wife of deceased Sethuraman and the second petitioner is son of first petitioner. Earlier, the petitioners have filed interim applications in M.P.No.62 to 64/2019 before the XXIII Metropolitan Magistrate, Saidapet along with the main domestic violence petition for the following prayers

i) restraining the respondents from receiving the amounts amounts standing in the name of first petitioner's deceased husband in any financial institution,

ii) restraining the respondents from approaching the first petitioner's husband's last working company i.e. Aspire Systems, Siruseri and collecting the Contingency Corpus fund

iii) restraining the respondents from approaching the above company and causing any hindrance to the job prospect on



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compassionate basis for the first petitioner.

The above petition in M.P.No.63/2019 was allowed and the M.P.Nos.62 and 64/2019 were dismissed. As against the order passed in M.P.No.62/2019, the petitioner has filed appeal in Crl.Appeal No.130/2019 and the same was allowed by the learned VI Additional sessions Judge, City Civil Court, Chennai, vide judgment dated 09.02.2021. Subsequently, the Domestic Violence Petition was numbered as DVC No.59/2019.

3. It is the grievance of the petitioner that, though the appeal was allowed as early as on 09.02.2021, the records were not sent to the XXIII Metropolitan Magistrate and in view of the same, the DVC No.59/2019 is pending till date, stating "Awaiting Records" and hence this civil revision petition has been filed.

4. This Court, vide order dated 02.02.2024, has directed the Registry to get the remarks from the VI Additional Sessions Judge, City Civil Court, Chennai, as to whether the records in Crl.A.No.130/2019, which was



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disposed on 09.02.2021, are forwarded to the XXIII Metropolitan Magistrate Court, Saidapet or not?

5. Pursuant to the above order, the learned VI Additional Sessions Judge, City Civil Court, Chennai has sent a report stating that the above records in CrI.A.No.130/2019 and the lower court records in DVC No.59/2019 were forwarded to the Magistrate on 16.04.2021.

6. Therefore, this court, vide order dated 26.02.2024, has directed the Magistrate to send a report, whether the records were received or not?

7. The learned Magistrate, vide letter dated 23.02.2024 has reported that the entire records in DVC No.59/2019 from the VI Additional Sessions Judge, Chennai was received on 23.04.2021

8. In view of the fact that the records in CrI.A.No.130/2019 and DVC No.59/2019 were forwarded by the learned VI Additional Judge, City Civil



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Court, Chennai to the XXIII Magistrate Court, Saidapet on 16.04.2021 and the same was received by the learned Magistrate on 23.04.2021, no further order is required to be passed in the civil revision petition.

9. Accordingly, recording the above said remarks and report, the civil revision petition is closed. No costs.

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Index: Yes/No
Internet: Yes/No
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To

1. The VI Additional Judge, City Civil Court, Chennai.
2. The XXIII Metropolitan Magistrate, Saidapet, Chennai.



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V.SIVAGNANAM, J.,

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