



Tr.CMP.No.1144 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1144 of 2023

1.R.Roselin Mary

2.Minor Joel Anthony

.. Petitioners

Vs.

1.C.D.Ajay Ritto

2.Chelliah Damodaran

3.N.Mary Pushpam

.. Respondents

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in D.V.O.P.No.35 of 2023 pending on the file of the Additional Mahila Court at Chengalpattu and transfer the same to the file of the Family Court at Chengalpattu to be tried along with I.D.O.P.No.9 of 2021.

For Petitioners : Mr.P.Sam Japa Singh

For Respondents : Mr.R.N.Amarnath



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ORDER

The 1st petitioner/wife wants the Domestic Violence complaint, given by her in D.V.O.P.No.35 of 2023 pending on the file of the Additional Mahila Court at Chengalpattu, to be heard at Family Court at Chengalpattu.

2. Though I have my own doubts whether the Family Court has jurisdiction to try a Domestic Violence Petition, on the facts of this case, I do not think that issue needs to be gone into.

3. Mr.R.N.Amarnath, appearing on behalf of the respondents, would bring to the notice of this Court that the restitution of conjugal rights filed by the wife in I.D.O.P.No.9 of 2021 was clubbed along with the divorce petition filed by the husband/1st respondent in I.D.O.P.No.66 of 2020 before the learned Family Court at Chengalpattu. He would state that the evidence is over on his side and it is posted for the evidence of the wife in both the I.D.O.Ps.

4. As the trial has already commenced, the question of transferring of the Domestic Violence case, to be heard and tried along with I.D.O.Ps., does not arise. Therefore, recording the statement made by Mr.R.N.Amarnath



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that the trial has already commenced in both the I.D.O.Ps. filed by the husband and wife respectively, I am not inclined to allow this transfer petition.

5. Accordingly, the Transfer Civil Miscellaneous Petition stands dismissed. No costs.

04.06.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

V. LAKSHMINARAYANAN, J.



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To

The Additional Mahila Court,
Chengalpattu



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