



WEB COPY

CRP No. 4015 of 2
and CMP No.22069 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 4015 of 2024
and CMP No.22069 of 2024**

1.S.M.Gnanapriya
2.Minor. Vasumathi @ Swetha
(Minor Rep. By her guardian / mother
the 1st petitioner)

..Petitioner(s)

Vs

1.G.A.Sivabalan
2.G.E.Arumugam
3.A.Amirthammal

..Respondent(s)

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order dated 30.07.2024 passed in Tr.C.M.P.No.1535 of 2024 on the file of the Principal District and Sessions Court, Tiruvallur.

For Petitioner(s) : Mr.R.P.Ruban Chakravarthy

For Respondent(s) : Mr.P.Venugopal

ORDER

Challenging the impugned order dated 30.07.2024 passed in Tr.C.M.P.No.1535 of 2024 on the file of the Principal District and Sessions Court, Tiruvallur, the respondents / defacto complainants has preferred this revision.



3. The respondents herein, who are the husband and In-laws of the defacto complainant, filed an application before the Trial Court to withdraw the DVC No.9 of 2023 pending on the file of the Judicial Magistrate Court, Tiruttani and transfer the same to the Additional Mahila Court, Tiruvallur for disposal. The said application was contested by the defacto complainants. On hearing both sides, the learned trial judge held that already divorce petition filed by the husband in HMOP No.154 of 2022 on the file of the Sub Court, Hosur was transferred to Additional Sub Court, Tiruvallur. The divorce petition filed by the husband before the Sub Court, Hosur, was renumbered as OP No.76 of 2023 and is pending before the Family Court, Tiruvallur and GWOP No.376 of 2021 is also pending before the Family Court, Tiruvallur. Therefore, DVC No.9 of 2023 is pending before the Judicial Magistrate Court, Tiruttani may also ordered to be transferred, as no prejudice would cause to the defacto complainant, as she has to attend other court proceedings at Tiruvallur. Challenging the said findings the defacto complainant has preferred this present revision.

4. The defacto complainant submits that she is living with a girl child who is studying VIII standard at Tiruttani and due to harassment made by the in-laws family, she initiated DVC proceedings before the Judicial Magistrate Court, Tiruttani, in DVC No.9 of 2023. Further submits that she was also unnecessarily harassed by the husband and therefore, she filed the petition in



Tr.C.M.P.No.1535 of 2024 on the file of the Principal District and Sessions Court, Tiruvallur, which is far away from 52 kms from Tiruttani Court and since she has to look after her child also and without considering the same the trial judge transferred the case from Tiruttani to Tiruvallur as such is not justifiable and hence prays to set aside the order.

5. The learned counsel for the respondents submits that already two cases namely guardian OP and divorce OP are pending before the Family Court, Tiruvallur. Therefore, the trial judge has rightly transferred the case due to that no prejudice would be caused to the defacto complainant.

6. Considering both submissions, admittedly DVC proceedings was initiated by the defacto complainant / revision petitioner before the Judicial Magistrate Court, Tiruttani in DVC No.9 of 2023 wherein the In-laws were shown as the respondents. After that only the transfer application was filed by the husband to transfer the said case to Tiruvallur. Admittedly, the DVC proceedings cannot be jointly tried along with guardian OP and divorce OP. Since because other two petitions pending before Tiruvallur, assigned by the judge as such is not acceptable one. The fact also reveals that the revision petitioner is maintaining her daughter who is studying VIII standard. So as a mother she has to look after her daughter also. Now the necessity arose, for that she has to travel 52 kms from her native place to Tiruvallur court as such is



unwarranted one considering the domestic and other circumstances. Therefore, the trial judge ought not to have transferred the DVC proceedings and priority has to be the given to the defacto complainant who is residing at her native place along with her minor daughter. Therefore, the order passed by the trial judge is set aside. Fact also reveals that father-in-law retired police caused all sort of disturbance in the matrimonial life of the petitioner and her husband so he shall not appear before divorce proceedings. If he caused any unnecessary interference, liberty granted to the revision petitioner to lodge complaint against him.

7. Accordingly, this Civil Revision Petition stands Allowed, setting aside the order dated 30.07.2024 passed in Tr.C.M.P.No.1535 of 2024 on the file of the Principal District and Sessions Court, Tiruvallur. The trial court is directed to transfer DVC to the Judicial Magistrate Court, Tiruttani. No costs. Consequently, connected miscellaneous petition is closed.

24-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MTL

To

1. The Principal District and Sessions Court, Tiruvallur.



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T.V.THAMILSELVI J.

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