

Jurisdiction of Family Court over matters arising out of Protection of Women from Domestic Violence Act.

Sr. No.	Title	Citation	Question involved	Held
1	Amit Aggarwal Vs Sanjay Aggarwal	Crl. Misc. No.M-36736 of 2014, DOD 31.05.2016 (P&H)	Qus: Whether the wife can file a complaint under the Domestic Violence Act when the relationship has come to an end with a decree of divorce	<ul style="list-style-type: none"> • Held – Such a complaint under DV Act, after decree of divorce dissolved the marriage of the party, is an abuse of the process of law and does not maintainable. • Further held – a divorced wife cannot held to be an ‘aggrieved person’ as provided in Section 2(a) of the Act. • There is no domestic relationship between a divorced husband and wife so as to maintain a petition under DV Act. • Domestic relationship between aggrieved person and respondent must be present and alive at the time when complaint under DV Act is filed. • Definition of ‘wife’ as available in Section 125 Crpc which includes divorced wife cannot be merged into domestic violence act. • The definition pre supposes that women is living with the person who committed domestic violence and domestic relationship is not dead, buried or severed. • This does not speak of past violence which a women suffered before grant of divorce.
2	Ms Ambreen Akhoon	WRIT PETITION	Whether any relief can be sought against the	<ul style="list-style-type: none"> • It is a settled position of law that the jurisdiction to seek

	<p style="text-align: center;">Versus Mr Aditya Aurn Paudwal And Anr</p>	<p>NO.5648 OF 2015, DOD 4 August, 2015 (BOM)</p>	<p>relative of the respondent - husband in the proceedings filed under section 26 of the Protection of Women from Domestic Violence Act before the Family Court?</p>	<p>remedies under the D.V. Act is before the Judicial Magistrate First Class or the 6 / 14 wp.5648.2015(j).doc Metropolitan Magistrate</p> <ul style="list-style-type: none"> • Section 26 of the D.V. Act enables a party to seek relief available under sections 18, 19, 20, 21 and 22 of the D.V. Act in any legal proceeding before the civil Court or Family Court or criminal Court affecting the aggrieved person • Section 7 of the Family Courts Act limits the jurisdiction of the Family Court • Subject to the other provisions of this Act, a Family Court shall also have and exercise- • The jurisdiction exercisable by a Magistrate of the First Class under Chapter IX (relating to order for maintenance of wife, children and parents) of the Code of Criminal Procedure, 1973 (2 of 1974); and • Such other jurisdiction as may be conferred on it by any other enactment. • Thus, under clause (b) of subsection (2), if there is a specific provision under any other statute that such matters can also be entertained and tried by the Family Court, then, the jurisdiction of the Family Court can be extended to that effect. • Under section 26 of the D.V. Act, the jurisdiction to
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				entertain and try matters under the sections specified therein is conferred to the Family Court, then, it is to be conferred in entirety in respect of the reliefs which are available and can be sought under the sections specified in the said section
3	Venugopalan v. Jayasree V. Nair	FAO.No. 50 of 2012, DOD: 17.07.2012 (KERELA HC)	Jurisdiction of family court extends to matters under DV Act by virtue of sec 26	<ul style="list-style-type: none"> Held that the DV Act guarantees larger rights in favour of the woman by giving her the option to approach either the Family Court or the Magistrate at her convenience. It further went on to hold that the Family Courts have the power under Section 26 to pass interim protection orders as well as interim residence orders.
4	Sudhannaya Versus Umashankar Valsan	TrP(Crl) No. 80 of 2007, DOD: 25 October, 2007 (KERELA HC)	Jurisdiction of family court extends to matters under DV Act by virtue of sec 26	<ul style="list-style-type: none"> Held that the DV Act guarantees larger rights in favour of the woman by giving her the option to approach either the Family Court or the Magistrate at her convenience. It further went on to hold that the Family Courts have the power under Section 26 to pass interim protection orders as well as interim residence orders.