IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-06-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.562 of 2015
and M.P.No.1 of 2015

1.Basith
2.Vasulilnisha
3.Sirin
4.Parvin
5.Sirajudeen ..Petitioners

Versus

Israth Mubin .. Respondent

Criminal Revision Case filed under Section 397 (1) r/w. 401 of Cr.P.C. against the order dated 06.06.2015 passed in C.M.P.No.2342 of 2015 in M.C.No.30 of 2013 on the file of the Judicial Magistrate No.1, Erode, by allowing the present Criminal Revision Case.

For Petitioners : Mr.I.C.Vasudevan

ORDER

The respondent/wife filed M.C.No.30/2013 before the Judicial Magistrate No.I, Erode, against the petitioners under Section 12 of Domestic Violence Act, claiming maintenance, shared household and other reliefs. The petitioners were set ex parte on 12.05.2015. The petitioners filed C.M.P.No.2342 of 2015 seeking to set aside the ex parte order. After enquiry, the said petition was dismissed on 06.06.2015. Seeking to set aside the order dated 06.06.2015 passed in C.M.P.No.2342 of 2015 in M.C.No.30 of 2013 on the file of the Judicial Magistrate No.1, Erode, the present Criminal Revision Case is filed.

2. At this juncture, I have to state that as against the order passed in the petition filed under the provisions of the Domestic Violence Act, there is an appeal remedy under Section 29 of the Protection of Women from Domestic Violence Act, 2005 (43 of 2005). Section 29 of the Protection of Women from Domestic Violence Act, 2005 (43 of 2005) reads as under:-

> "Section 29 Appeal.-- There shall lie an appeal to the Court of Session within 30 days from the date on which the order made by the Magistrate is served on the aggrieved person or the respondent as the case may be, whichever is later.

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3. Having regard to above, this Criminal Revision Case is closed, giving liberty to the petitioners to move before the appropriate Appellate Forum and to file an appeal. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Judicial Magistrate No.1, Erode.

2.The Public Prosecutor,
High Court, Madras.

3.The Section Officer,
C Section, High Court, Madras.

+1 cc to Mr.I.C.Vasudevan, Advocate,SR.28731.

Svi(co)
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Crl.R.C. No.562 of 2015

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