

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Cr1.O.P. No.25224 of 2016

1 M. Priya
2 Minor M. Subashini, Rep by their Natural
Guardian and mother 1st petitioner
3 Minor M. Rivetha, (do) Petitioners
vs.

1 Vaijayanthi
2 Gemini
3 Mari
4 Karmegam
5 Boopalan Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to entertain the impleading petition and petition filed under Section 25 of the Domestic Violence Act presented by the petitioners on 07.11.2016 in D.V.No.5/2014 on the file of the District Munsif-cum-Judicial Magistrate, Uthangarai.

For petitioners Mr. K. Thiruvengadam

ORDER

This Criminal Original Petition has been filed seeking to entertain the impleading petition and petition filed under Section 25 of the Domestic Violence Act presented by the petitioners on 07.11.2016 in D.V. No.5/2014 on the file of the District Munsif-cum-Judicial Magistrate Court, Uthangarai.

2 For the sake of convenience, the parties are referred to by their name.

3 One Vaijayanthi, the first respondent herein, has filed D.V. No.5 of 2014 before the District Munsif-cum-Judicial Magistrate, Uthangarai, against Gemini, Ponni, Maari, Karmegam and Boopalan.

4 It is the case of Vaijayanthi that she got married to one Megarajan, S/o Gemini and Ponni and that Megarajan breathed

his last on 02.07.2014. According to Vaijayanthi, after the death of her husband Megarajan, her father-in-law and other in-laws have committed acts of domestic violence and hence, she has filed the aforesaid proceedings.

5 While so, Priya, the first petitioner herein, is claiming herself to be the legally wedded wife of the deceased Megarajan. According to her, when she presented an impleading petition before the District Munsif-cum-Judicial Magistrate Court, Uthangarai in D.V. No.5 of 2014 on 07.11.2016, the same has been returned by the said Court without passing any order therein. Hence, Priya, along with her two minor daughters, is before this Court for a direction to the District Munsif-cum-Judicial Magistrate, Uthangarai, to entertain the impleading petition filed by her.

6 In support of her allegation, Priya has filed an affidavit dated 19.11.2016 before this Court.

7 In view of the above, this Court directs the District Munsif-cum Judicial Magistrate, Uthangarai, to entertain the application filed by Priya and pass orders in accordance with law. In the considered opinion of this Court, no notice is required to other respondents, because, it will only further prolong the litigation and moreover, this Court is not passing any order prejudicial to the interest of other respondents.

With the above direction and observation, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1 The District Munsif-cum-Judicial Magistrate
Uthangarai

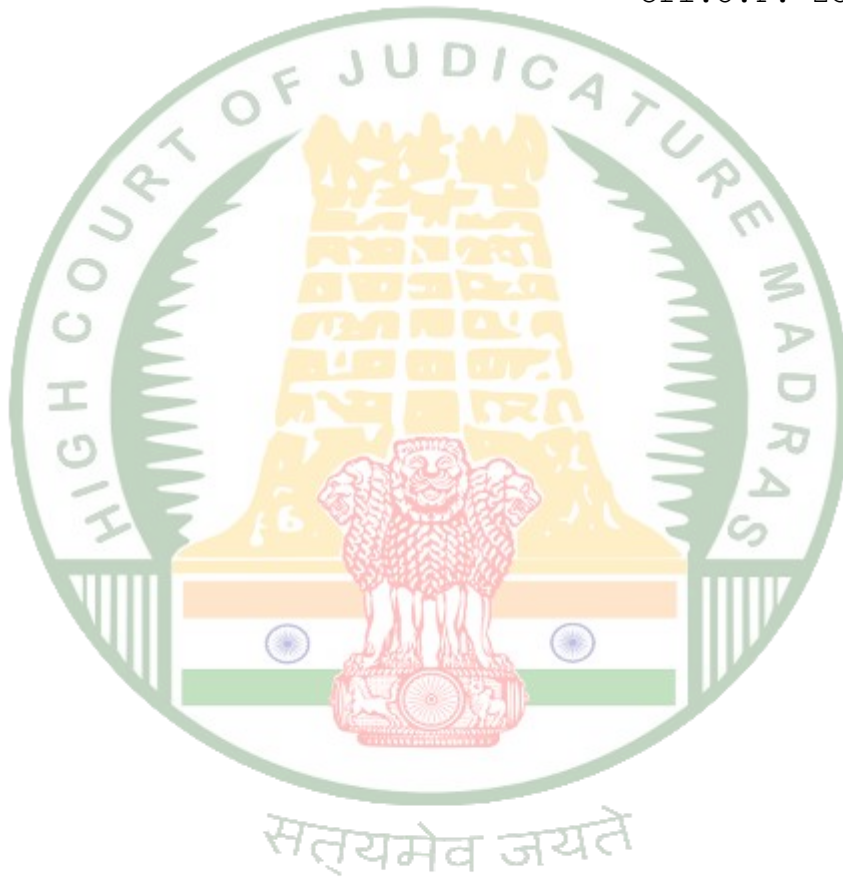
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2 The Public Prosecutor
Madras High Court
Chennai - 600 104

+lcc to Mr.K.Thiruvengadam, Advocate, S.R.No.67427

kji(CO)
BB(27/12/2016)

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