



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 04.07.2019  
CORAM  
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

WEB COPY

Crl.O.P.No.17397 of 2019

Ms.Thiripura Sundari @ Sundari

... Petitioner/Respondent-5

Vs.

Mrs.Revathi

... Respondent/aggrieved person

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the interim residence order dated 26.04.2019 passed in M.P.No.147 of 2019 in DVC.No.120 of 2018 pending on the file of Learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai.

For Petitioner : Mr.M.Mohana Sundaram

O R D E R

This petition has been filed challenging the interim residence order passed by the Court below in favour of the respondent.

2.The learned Counsel for the petitioner submitted that the respondent had initiated Domestic Violence proceedings against her husband Mr.J.Harikrishnan. In the said petition, she had sought for two interim orders. One of the interim order was seeking for interim maintenance and the other interim order seeking for interim residence to live in portion of the property. The Court below considered both the applications and directed the husband to pay an interim maintenance of Rs.3,000/-. In so far as this interim order is concerned, the petitioner has no grievance since it is passed against the husband. The other interim order that was passed was that the respondent was permitted to have a separate residence portion in the property which is occupied by the family members of the husband. This interim direction has been put to challenge by the petitioner who is the sister-in-law of the respondent.

3.In the considered view of this Court, the petitioner has an efficacious and alternative remedy under Section 29 of the Protection of Women from Domestic Violence Act, 2005. The provision has been very widely worded to include any aggrieved person, who has been given a right to file an appeal against any order passed by the Magistrate. Therefore, the petitioner who



is an aggrieved person can always file an appeal before the Sessions Court and workout her remedy.

4.The learned counsel for the petitioner submitted that when an appeal was filed before the Sessions Court, the same was returned on the ground that it is not maintainable and therefore the present Criminal Original Petition has been filed before this Court.

5.In the considered view of this Court, the Sessions Court has to entertain the appeal in view of the specific provision under Section 29 of the Protection of Women from Domestic Violence Act, 2005. The Sessions Court ought not to have returned the appeal filed by the petitioner.

6.In the result, this Criminal Original Petition is disposed of with a direction to the petitioner to re-present the appeal before the Principal Sessions Court, Chennai and the same shall be entertained by the concerned Court and shall be proceeded further in accordance with law.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jas/vs

To

1. The Principal Sessions Judge,  
Chennai.

2.The Metropolitan Magistrate,  
Additional Mahila Court,  
Egmore, Chennai.

Crl.O.P.No.17397 of 2019

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nr 07/08/2019