

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P.PD.No.1272 of 2021
and
C.M.P.No.9995 of 2021

1.T.Loganathan
2.R.Thangavel
3.T.Rajeswari
4.S.Gokilavani
5.K.Senthil Kumar
6.K.Chandran
7.C.Yasodha
8.C.Shankar @ Sampath

... Petitioners / Respondents 1 to 8

Vs

S.Gomathi

... Respondent / Petitioner

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the entire proceedings relating to DVA.No.107 of 2019 as against the petitioners is now pending on the file of the Special Court for Trial of Domestic Violence Act, Cases at Coimbatore.

For Petitioners

..

Mr.Ashok Menon

For Respondent

..

No appearance

ORDER

I am not impressed with the arguments advanced by the learned counsel for the petitioners who claims that D.V.A.No.107 of 2019 had been filed by the respondent herein only because the 1st petitioner herein filed H.M.O.P.No.177 of 2019.

2.Both the 1st petitioner herein and respondents have approached the Courts established by law under statutes whose vires has been upheld seeking necessary reliefs which they feel, they are entitled to. Both the proceedings are recognized proceedings in which judicial orders shall be passed. Claiming that D.V.A.No.107 of 2019 had been filed only as a counter blast to the filing of H.M.O.P.No.177 of 2019 will not make the petitioners herein any much holier nor can the respondent herein be portrayed as less holier. Both the 1st petitioner and the respondent are seeking legal recourse for their respective claims.

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3.I find no infirmity in the proceedings initiated by the respondent herein. Merely because, the respondent goes before the Magistrate Court and files an application under the Protection of Women from Domestic Violence Act, would not render such proceedings.

4.It is now for the learned Magistrate to examine all those issues. The petitioners are at liberty to put forth the entire case before the Magistrate Court and I am confident that any Court and more particularly the Special Court for Trial of Domestic Violence Act, Cases Coimbatore, would certainly address the issues raised by the petitioner herein.

5.With the above observations, the Civil Revision Petition is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

07.07.2021

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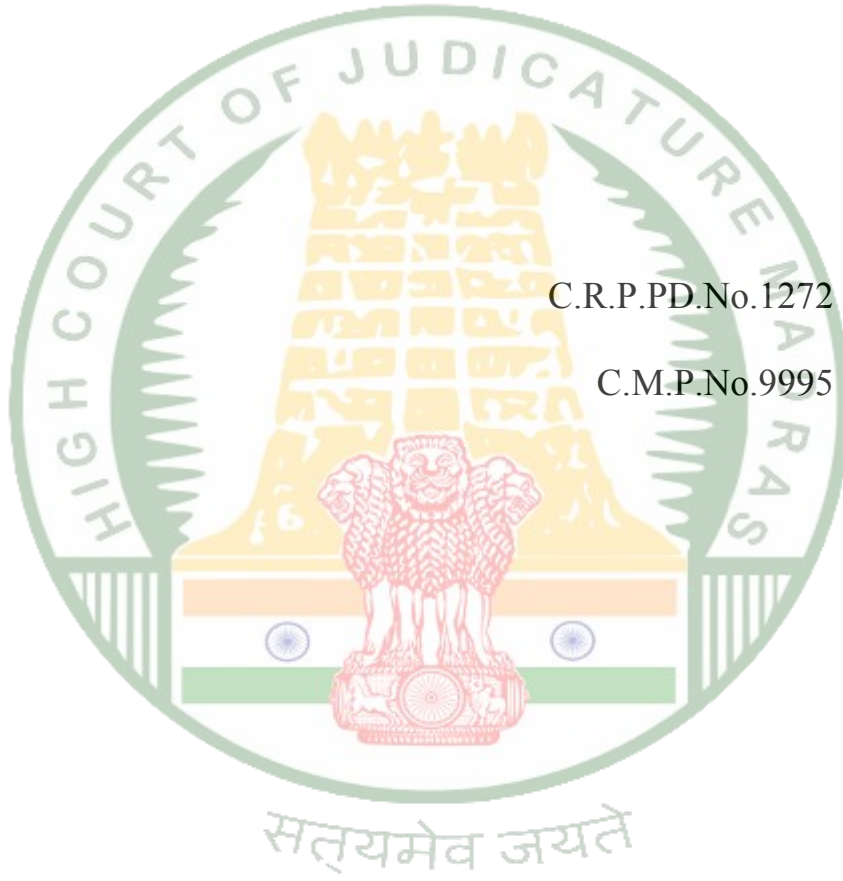
Index : Yes / No
Internet : Yes / No
Speaking order : Yes / No

To,

The Special Court for Trial of Domestic Violence Act Cases,
Coimbatore.

C.V.KARTHIKEYAN,J.

smv



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