

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

Coram

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

C.R.P.NPD.No.1269 of 2021 &
CMP No.9964 of 2021

1.Venkatram Lokiah
2.Srivaramanga
3.Charulatha

... Petitioners/Respondents 2 to 4

Vs

1. R.S.Prakalya
2. V.Arvind

... Respondent/Complainant

... Respondent/Respondent-1

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the complaint in D.V.A.No.642 of 2019 on the file of the Special Court for Trial of Domestic Violence Act cases Coimbatore/Judicial Magistrate II of Coimbatore.

For Petitioner ... Mr.J.Deliban

For Respondent .. No appearance

ORDER

The revision petitioners herein are aggrieved with the steps taken by the first respondent to file an application under the Protection of

<https://www.mhc.tn.gov.in/judis/> Women from the Domestic Violence Act which had been taken on file as

D.V.A.No.642 of 2019 by the Special Court for Trial of Domestic Violence Act cases, Coimbatore/Judicial Magistrate II, Coimbatore.

2. It is the contention of the learned counsel for the revision petitioners that very specifically, the third petitioner herein, is an Australian citizen. It is also pointed out that a competent Court in Australia, had granted an order of divorce between the first respondent and the second respondent. If that be the case, it would be the second respondent herein who would be more aggrieved by the fact that the first respondent had filed the said D.V.A.No.642 of 2019. But for reasons best known to the second respondent/husband, he had not approached any court of law questioning that very fact of filing DVA No.642 of 2019. It does not lie in the mouth of the revision petitioners herein to state that the marital relationship between the first and second respondents has been frustrated by a court order and therefore, these revision petitioners should get the benefit the case before the Magistrate Court being struck off. I am not inclined to purchase such an argument. The fact that the third petitioner herein is an Australian citizen does not advance her case in any manner. The first respondent herein had approached the competent Court to exercise her right which has been granted by a statute. It is for

the petitioners herein to approach the said court and put forth their case. If they do so, I am confident that the learned Judicial Magistrate II, Coimbatore, would hear them out and pass a judicial order. As on date, no judicial order has been passed by the Judicial Magistrate II, Coimbatore except to hold that on hearing the first respondent that a *prima facie* case has been made out. The stage now is for the petitioners herein to approach the Magistrate Court, appear before the court, put forth all the relevant records before the court and urge the said court to take them for consideration. If they put so, the learned Judicial Magistrate II, Coimbatore, would certainly consider them in their proper perspective. The revision at this stage is premature and I am not prepared to entertain the present revision.

3. Accordingly, this Civil Revision Petition is dismissed. No order as to costs. Consequently, connected miscellaneous petition is closed.

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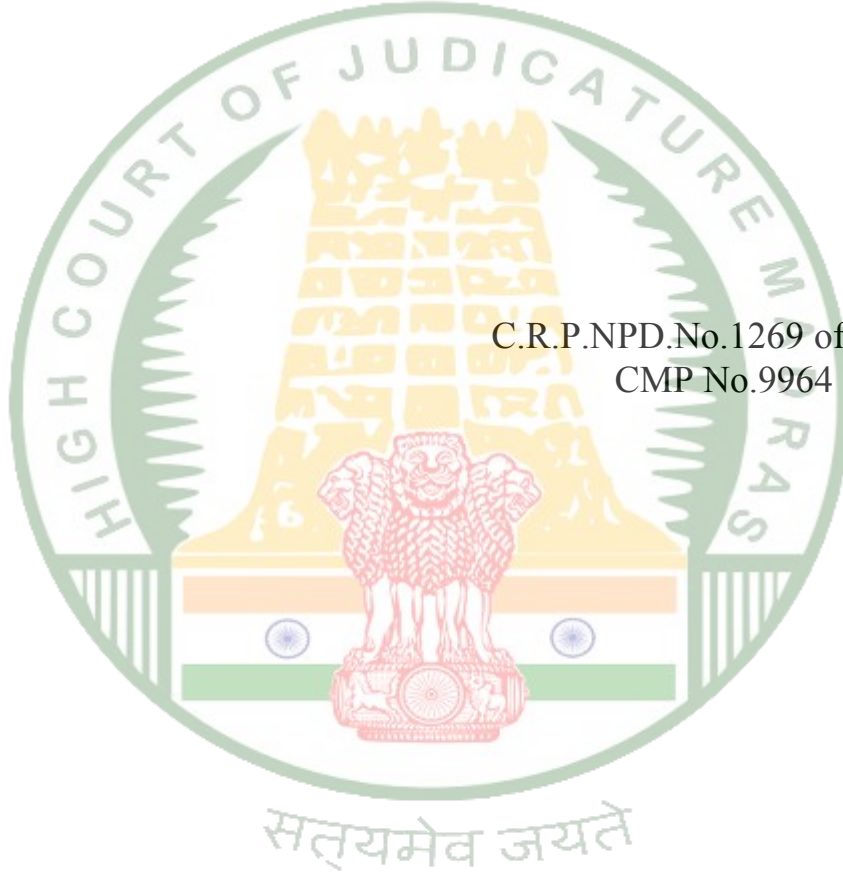
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To
The Judicial Magistrate Court II, Coimbatore.

C.V.KARTHIKEYAN,J.

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