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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.19554 of 2021

Subbathal

W/o.Late Chinna Ayyasamy Gounder

...Petitioner

Vs.

Sundararaj

S/o.Late Chinna Ayyasamy Gounder

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Special Court to try cases filed under Protection of Women from Domestic Violence Act, Coimbatore to complete the proceedings in D.V.C.No.210 of 2019 within a time stipulated by this Court.

For Petitioner : M/s.C.S.S.Pillai

For Respondent : Mr.R.Vinothraja

Government Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

This petition has been filed seeking for a direction, to direct the Special Court to try cases filed under Protection of Women from Domestic Violence Act, Coimbatore and to complete the proceedings in D.V.C.No.210 of 2019 within a time stipulated by this Court.

2.Learned counsel for the petitioner would submit that the petitioner has filed a Domestic Violence case in D.V.C.No.210 of 2019, which is pending on the file of the learned Judicial Magistrate, Coimbatore against the respondent, who is the son of the petitioner.

3.He would further submit that the petitioner is a senior citizen aged about 75 years and doing daily wages work. The petitioner's husband by pledging the jewels of the petitioner had purchased an agricultural land and they were cultivating the land for their survival. The petitioner has one daughter and one son. The respondent, being a priest of the temple staged a drama to do some ritual things had managed to take the



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petitioner and her daughter who are legal heirs of the petitioner's husband to the Register Office and made them sign in a release deed. The petitioner had only decided to settle the same equally on the respondent and her daughter, but the respondent using the age and ignorance of the petitioner, mishandled her and grabbed the property and sent her out the house without providing her shelter and food and torturing her mentally and physically, due to which, the petitioner had to file a maintenance petition before the social welfare officer against the respondent, since the respondent had not appeared for enquiry, the maintenance case was referred to the Court and registered in D.V.A.No.9 of 2005. The petition filed by the petitioner for interim maintenance in C.M.P.No.2136 of 2015 was allowed on 27.03.2015 by directing the respondent to provide interim maintenance of Rs.5,000/-, since the said order was not complied, the petitioner moved a petition in C.M.P.No.5182 of 2016, which was transferred to Mahila Court on 23.20.2017, thereafter, the respondent started to threaten the petitioner with dire consequences, due to which, the petitioner was forced to file a protection petition in C.M.P.No.814 of 2019 and the same was allowed on 25.06.2019. Thereafter, the respondent filed a petition to set aside the maintenance order in C.M.P.No.819 of 2019, which was also allowed and since the respondent showed no interest to provide maintenance, the petitioner filed a petition in C.M.P.No.1081 of 2019 for attachment of property which is still pending.

4.He would further submit that the case in C.M.P.No.5182 of 2016, which was transferred to the file of the learned Special Court to try along with the cases filed under Protection of Women from Domestic Violence Act, Coimbatore, has been renumbered as D.V.C.No.10 of 2019 which is pending till date. Unless a direction is issued to the trial Court to expedite the case proceedings pending in D.V.C.No.210 of 2019, the petitioner would be put to great hardship and irreparable loss, accordingly, prays for appropriate direction.

5.Heard the learned counsel for the petitioner. Perused the materials on record.

6.Considering the fact that the petitioner is a senior citizen, aged about 75 years and her property has been taken away by the petitioner's son / respondent herein in a deceitful manner and now the petitioner is provided with no residence and struggling for her livelihood and her livelihood depends upon the outcome of the Domestic Violence Case, and also finding the fact that the Domestic Violence Case is pending from the year 2015, the Special Court, Coimbatore is hereby directed to conclude the proceedings within a period of three months from the date of receipt of a copy of this order.



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

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s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

kas / jeni

To

1. The Judicial Magistrate (Special Court)
Coimbatore

+1 Cc to M/s. Swami Subramanian, Advocate sr 54407.

CRL.O.P.No.19554 of 2021

KSM(CO)
SP(01/11/2021)