



C.R.P.(PD) No.576 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

CORAM : JUSTICE N.SESHASAYEE

C.R.P.(PD) No.576 of 2022
and CMP.No.3037 of 2022

B.Dhiviyaa

... Petitioner / Petitioner

Vs.

1.M.Sundaravadivel
2.Jayamani
3.S.Sivasakthivel
4.Madushri
5.S.Arulselvam

... Respondents / Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 07.01.2021 made in DVC No.6 of 2021, pending on the file of the Additional Mahila Court, Egmore, Chennai by allowing this Civil Revision Petition.

For Petitioner : Mr.R.Marudhachalamurthy



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ORDER

The present revision is filed challenging the order passed by the learned Additional Mahila Court, Egmore, Chennai, deleting respondents 1 to 4 from the party array in DVC No.6 of 2021.

2. The learned counsel for the revision petitioner took this Court to few paragraphs in the complaint and pointed out that the revision petitioner / complainant before the Magistrate has made certain specific allegations against the respondents 1 to 4. He added that the learned Magistrate has *suo motu* deleted respondents 1 to 4 from the party array without even hearing the counsel for the petitioner.

3. It may have to be outlined here that under the scheme of Domestic Violence Act, the reliefs are directed either against the husband, or if the parties are in live-in-relationship, then against the man who share the company of the woman. The proceedings of the D.V.Act cannot be equated to a complaint under Section 498-A IPC., Therefore, mere relatives of the husband of the victim-woman, need not be in the party



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array. To that extent, this Court is in agreement with the learned Magistrate.

4. However, the grievance here is that the petitioner's counsel was not heard by the Magistrate, before the Court *suo motu* proceeded to drop the names of respondents 1 to 4 in the complaint. For this limited purpose, the order is set aside, and the matter is remanded back to the trial Court and the learned Magistrate may now hear the counsel for the petitioner and take a call on the matter.

5. The revision petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

15.03.2022

Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

ds

To.:

The Judge
Additional Mahila Court
Egmore, Chennai.



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N.SESHASAYEE.J.,

ds

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