



CRP(MD)No.1289 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CRP(MD)No.1289 of 2022
and C.M.P(MD).No.5309 of 2022

1.Naveenraj
2.R.Rajan
3.Prema

: Petitioners/Respondents

Vs.,

Karthika

: Respondent/Petitioner

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records in pursuant to the order passed by the learned Judicial Magistrate-Additional Mahila Court, Karur in DVC.No.24 of 2021 dated 21.09.2021 and to set aside the same.

For Petitioners : Mr.M.Karthikeyavenkitachalapathy

For Respondent : Mr.V.Sasikumar

ORDER

This revision petition has been filed against the *ex parte* order passed by the learned Judicial Magistrate (Additional Mahila Court), Karur in DVC.No.24 of 2021, dated 21.09.2021.

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2.The first petitioner herein is the husband, second and third petitioners are in-law of the respondent. The first petitioner and respondent got married on 23.08.2020 as per the Hindu Rites and Customs. According to the respondent, the petitioners harassed her by demanding more dowry. Therefore, she filed a complaint under Protection of Women from Domestic Violence Act, 2005, before the Social Welfare Officer, Karur and based on the report filed by the Social Welfare Officer, the said complaint was taken on file as DVC.No.24 of 2021 by the Additional Mahila Court, Karur. In the said petition, though notice was served on the petitioners, they failed to appear before the trial Court on 30.04.2021. Therefore, the trial Court, by order dated 21.09.2021, passed an *ex-parte* order against the petitioners and granted relief to the respondent under Sections 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005. Aggrieved over the same, the present Civil Revision Petition has been filed.

3. The learned counsel for the petitioners submits that without any notice, the learned Judicial Magistrate-Additional Mahila Court, Karur, has



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allowed DVC.No.24 of 2021. Further, the petitioners were not provided any opportunity to defend their case.

4. The learned counsel for the respondent submits that notice was served on the petitioners. Even after receipt of the notice, the petitioners failed to appear before the trial Court on the date fixed for hearing.

5. This Court considered the rival submissions made on either side and perused the materials available on records.

6. On perusal of the records, it is seen that notice was properly served on the petitioners and after receipt of the notice, the petitioners evaded the proceedings. Therefore, the petitioners were set *ex-parte* by order dated 30.04.2021. Though the petitioners filed an application to set aside that *ex-parte* order, the trial Court dismissed the said application by referring the provisions under Section 29 of the DV Act. Therefore, this Court does not find any error in the impugned order and this Court is not inclined to entertain this revision petition.



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7. Accordingly, the Civil Revision Petition is dismissed. However, the petitioners are at liberty to file an appeal under Section 29 of the said Act before the concerned Sessions Judge, who shall consider the same without insisting on the limitation and decide the appeal as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

02.12.2022

Index : Yes / No

Internet : Yes / No

Rmk

Note: Registry is directed to return the original impugned order to the petitioners.

To

The Judicial Magistrate-Additional Mahila Court, Karur.



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B.PUGALENDHI, J.

Rmk

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