



CRP(PD)(MD)No.1151 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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Perumal ... Petitioner
Vs.,

Magarasi ... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the impugned complaint in D.V.O.P.No.02/2021 pending on the file of the Judicial Magistrate Court, Vallioor, as far as this petitioner is concerned.

For Petitioners : Mr.A.K.Hemaraj
For Respondent : Mr.S.R.Anbarasu

ORDER

This Civil Revision Petition is filed as against the proceedings initiated by the respondent herein in D.V.C.No.02 of 2021 before the learned Judicial Magistrate, Valliyoor. The petitioner is the uncle of respondent's husband.



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2. Though the petitioner has raised a ground of jurisdiction, he has not substantiated the same as to how the concerned Judicial Magistrate, is not having the jurisdiction to take up the complaint of the respondent.

3. Further, Section 27 of the Protection of Women from Domestic Violence Act, 2005, deals with the jurisdiction, which reads as follows:

27. Jurisdiction – (1) The Court of Judicial Magistrate of the first class or the Metropolitan Magistrate, as the case may be, within the local limits of which –

(a) the person aggrieved permanently or temporarily resides or carries on business or is employed; or

(b) the respondent resides or carries on business or is employed; or

(c) the cause of action has arisen, shall be the competent court to grant a protection order and other orders under this Act and to try offences under this Act (2) Any order



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made under this Act shall be enforceable throughout
India.

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4. From the reading of the above said provision, it is clear that the petition under the Domestic Violence Act can be filed in a Court where the “person aggrieved” permanently or temporarily resides or carries on business or is employed.

5. In the present case, the respondent herein is residing at Thirukurungudi, Nangureni Taluk, Tirunelveli District. Therefore, the learned Judicial Magistrate, Valliyoor, is the competent Court to entertain the complaint filed by the respondent under Domestic Violence Act. Therefore, the objection raised by the petitioners that the learned Judicial Magistrate, Valliyoor, is not having jurisdiction, cannot be acceptable.



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6. If the petitioner is having any grievance that he has been unnecessarily added as party to the proceedings, it is open to him to file an application before the concerned Court to delete his name from the proceedings.

7. Accordingly, the Civil Revision Petition is disposed of in the following terms:

(i) If the petitioner is having any grievance that he has been unnecessarily added as a party to the proceedings, it is open to him to file an application before the learned Judicial Magistrate, Valliyoor, to delete his name and if any such application is filed, the learned Judge shall decide the same, as per the decision of the Hon'ble Supreme Court in ***Kunapareddy v. Kunapareddy Swarna Kumari***, reported in (2016) 11 SCC 774.

(ii) If the petitioner is represented through a counsel, the learned Judge shall not insist on the personal appearance of the petitioner. However, the petitioner shall appear before the Court as and when his presence is



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required by the Court.

(iii) The learned Judicial Magistrate, Valliyoor, is directed to dispose of D.V.O.P.No.02 of 2021 as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

No costs.

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Rmk/tta

Index : Yes / No.

Internet : Yes / No.

To

The Judicial Magistrate, Valliyoor.



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B.PUGALENDHI, J.

Rmk/tta

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