



CRP(MD)No.180 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

CORAM

THE HON'BLE Mr. JUSTICE B.PUGALENDHI

C.R.P(MD)No.180 of 2022
and C.M.P(MD)No.976 of 2022

Santhanalakshmi

.... Petitioner/Appellant/Petitioner/Petitioner

Vs.

1.Alangaram

2.Murugan

3.Manickadevi

...Respondents 1 & 2/Respondents 1 &2/

Respondents 1 & 2/Respondents 1 & 2

... 3rd Respondent/3rd respondent/

3rd Respondent/Proposed party

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India to call for the records in respect of the order passed in CrI.A.No.4 of 2019 on the file of the Additional District Court, Virudhunagar concurring the order passed in Cr.M.P.No.1245 of 2017 in CrI.M.P.No.908 of 2009 on the file of the Judicial Magistrate No.II, Virudhunagar and set aside the same.

For Petitioner : Mrs.P.Malini



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ORDER

This Civil Revision Petition is filed as against the order passed by the Additional District Court, Virudhunagar in Cr.A.No. 4 of 2019 dated 13.08.2021 concurring the order of the learned Judicial Magistrate No.2, Virudhunagar in Cr.M.P.No.1245 of 2017 in Cr.M.P.No.908 of 2009 dated 17.09.2018.

2. The petitioner has filed an application under Sections 12,18,19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 against the respondents 1 and 2. Pending the application, she has also filed the above Cr.M.P.No.1245 of 2017 under Order 1 Rule 10(2) of C.P.C to implead one Manika Devi, the alleged second wife of the first respondent.

3. The trial court has declined to grant the relief as sought for by this petitioner. While dismissing the application, the trial court has observed that Civil Procedure Code is not at all maintainable in the D.V.C proceedings. However, the trial court went to the extent of discussing the merits of the case and observed that the relief sought for under Sections 18,



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19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005, is only against the respondents 1 and 2 and no case is made against the proposed 3rd respondent.

4. Challenging the same, the petitioner has filed Crl.A.No.4 of 2019 before the Additional District Court, Virudhunagar. The First Appellate Court has observed that there is no domestic relationship between the petitioner and the proposed 3rd respondent as required under the abovesaid Act and dismissed the appeal. Aggrieved over the same, the present Civil Revision Petition is filed.

5. This Court heard the submissions made by the learned counsel for the petitioner and perused the materials available on record.

6. In view of the judgment of the Full Bench in *Arun Daniel and others vs. Suganya* [2022 SCC OnLine Mad 5435], the application filed under Order 1 Rule 10 C.P.C to implead anybody as party to the proceedings is maintainable. However, considering the averments made as against the



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proposed 3rd respondent, this Court is not inclined to interfere with the orders of the courts below. The proceedings proceeded under Protection of Women from Domestic Violence Act, 2005, is only an enquiry and not a trial and therefore, the presence of the party is not at all required if they are represented through a counsel as held by the Hon'ble Full Bench in *Arun Daniel and others vs. Suganya* [2022 SCC OnLine Mad 5435].

7. Initially, D.V.C proceedings was filed in the year 2009 and the same is pending for more than 10 years and therefore, this Court is inclined to direct the trial court to conclude the proceedings as expeditiously as possible, preferably, within a period of 3 months from the date of receipt of a copy of this order.

8. In fine, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.12.2022

Index : Yes/No
Internet : Yes/No
CM



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To,

1. The Additional District Court, Virudhunagar
2. The Judicial Magistrate No.II, Virudhunagar
3. The Section Officer, V.R. Section, Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI, J.

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