



CRP(MD)No.2091 of 2021

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.2091 of 2021
and C.M.P(MD)Nos.11111 and 11109 of 2021

1.Mahendran
2.Karupayammal
3.Mariyappan Yadav Petitioners/Respondents

Vs.

1.Kavitha
2.Minor Madhusri
3.Minor Harini ... Respondents/Petitioners

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India to strike off the petition in D.V.Act No.23 of 2021 on the file of the Judicial Magistrate Court, Rajapalayam.

For Petitioners : Mr.P.Athimoolapandian

For Respondents : Mr.D.Rajaboopathy



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ORDER

This Civil Revision Petition is filed to strike off the petition in D.V.Act No.23 of 2021 on the file of the Judicial Magistrate Court, Rajapalayam.

2. The learned counsel for the petitioner submits that the marriage between the first petitioner and the first respondent was solemnized on 22.05.2013 and the marriage was dissolved by the judgment of the Subordinate Court, Srivilliputhur in H.M.O.P.No.150 of 2017 on 20.12.2018 and the present D.V.C proceedings has been initiated in the year 2021 after the grant of divorce and therefore, it is a clear case of abuse of process of law. It is also hit by limitation.

3. In view of the judgment of the Full Bench in *Arun Daniel and others vs. Suganya* [2022 SCC OnLine Mad 5435], this Court is not inclined to entertain this Civil Revision Petition. Even a divorcee is entitled to entertain the application. However, it is only an enquiry and therefore, the



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presence of the petitioners is not required for the enquiry in D.V.C proceedings in D.V.C.No.23 of 2021 before the Judicial Magistrate, Rajapalayam, provided, if they are properly represented through a counsel.

4. Since the D.V.C proceedings was filed in the year 2021, the trial court shall endeavour to complete the proceedings within a period of 4 months from the date of receipt of a copy of this order.

5. In fine, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

02.12.2022

Index : Yes/No
Internet : Yes/No
CM

To,
1. The Judicial Magistrate Court, Rajapalayam.
2. The Section Officer, V.R. Section, Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI, J.

CM

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