



CRP No.398 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

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and

C.M.P.Nos.3360 & 3362 of 2023

1. S.Soundarrajan
2. S.Seshadri
3. V.Mythili
4. S.Sriram
5. S.Murali

... Petitioners

-Vs-

Abhinaya

... Respondent

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to strike off the proceedings against the petitioners arrayed as respondents in D.V.C.No.23 of 2022 pending on the file of the Additional Mahila Court, Chengalput.

For Petitioners : Mr.R.Dasaratha Rao

For Respondent : No Appearance



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ORDER

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This Civil Revision Petition has been filed to strike off the proceedings against the petitioners arrayed as respondents in D.V.C.No.23 of 2022 pending on the file of the Additional Mahila Court, Chengalput.

2. The learned counsel for the revision petitioners submits that the respondent left the matrimonial home much earlier in the year 2020. Thereafter, she initiated DVC proceedings only in the year 2022 i.e., after two years by suppressing all facts, only to harass the petitioners, who are the husband and in-laws. Hence, he prayed for quashing the proceedings.

3. Notice served, but no representation for the respondent. Hence, there is no objection from the respondent.

4. It is seen that the first petitioner/husband filed a petition for divorce in OP.No.305 of 2022 before the learned III Additional Family Court Judge, Chengalpet. The respondent/wife also filed a petition seeking for dissolution of marriage in FCOP.No.405 of 2021. Both the cases were pending before the Family Court, Chengalpet. Thereafter, the respondent filed DVC proceedings in DVC.No.23 of 2022. If at all, the respondent left the matrimonial home, that has to be proved before the trial Court. Therefore, the allegation made by the petitioners is not sufficient to discharge the



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petitioners. However, on seeing the fact that the petitioners 2 & 3, who are in-laws, aged about more than 60 years and the petitioners 4 & 5, who are the brothers of the first petitioner, staying at Ambattur and Tirupati respectively, are also harassed unnecessarily by dragging them into the Court.

4. In view of the above, this Court finds no merit in this revision petition and the same is dismissed. However, the appearance of the petitioners 2 to 5 is dispensed with before the trial Court and they shall appear before the Trial Court as and when required. The first petitioner is directed to appear before the Trial Court on all hearings. All the cases are directed to be disposed of by the Trial Court as expeditiously as possible. There shall be no order as to costs. Consequently, connected CMPs are also closed.

31.03.2023

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To

1. The Additional Mahila Court,
Chengalpet.



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T.V.THAMILSELVI, J.

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