



CRP(PD).No.1018 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

CRP(PD).No.1018 of 2023
and CMP.Nos.7378 & 7379 of 2023

1. Kulandaivel
2. Kalamani
3.
...Petitioners

Sangeetha

Vs.

G.Divyaprabha
...Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records pertaining to the case pending in D.V.A.No.13 of 2022 on the file of Judicial Magistrate No.1, Gobichettipalayam and quash the same by allowing this revision petition.

For Petitioners : Mr.R.Marudhachalamurthy

For Respondent : Mr.V.Balamurugan

ORDER

This Civil Revision Petition has been filed to call for the records pertaining to the case pending in **D.V.A.No.13** of 2022 on the file of Judicial Magistrate No.1, Gobichettipalayam and quash the same.



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2. The learned counsel for the revision petitioners submitted that the revision petitioners are the in-laws of the respondent. He further submitted that the respondent has made allegations as against her husband in para 6 to 17 of her complaint and in which in para 11 to 13 alone made bald allegations as against these petitioners, which do not satisfy the requirement of Sec.2(a), 2(g) and 2(f) of the DV Act. The complaint lodged by the respondent as against these petitioners are hopelessly barred by limitation. Hence, they prayed to allow this petition.

3. The learned counsel for the respondent submitted that the respondent has filed in HMOP.No.131 of 2020 before the Sub Court, Gobichettipalayam seeking to divorce and the same was pending. Subsequently, the husband filed in HMOP.No.91 of 2022 before the same Court for restitution of conjugal rights. He further submitted that both cases are pending before the Sub Court, Gobichettipalayam.

4. The fact reveals that issues between the respondent and her husband, both of them have filed the HMOP and the same are pending but the revision



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petitioners are the in-laws of the respondent. Admittedly, the petitioners 1 and 2 are the senior citizens more than aged about 60 years and considering the 3rd petitioner is the sister-in-law of the respondent, she got married and living with her husband.

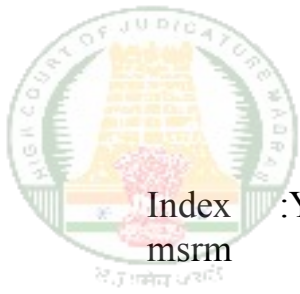
5. Considering the facts and circumstances of the case and also the fact reveals that there is no allegation levelled against the petitioners, hence, the appearance of the petitioners are dispensed with before the trial Court. Further, according to the revision petitioner, there is no allegations levelled against the petitioners, they were unnecessarily harassed by the respondent. Hence, the trial Court is directed to dispose of the case in DVAC No.13 of 2022 within a period of four months from the date of receipt of copy of this order.

6. In view of the above direction, this Civil Revision Petition is disposed of . Consequently, connected miscellaneous petition is closed. No costs.

20.10.2023

Speaking / Non Speaking order
Neutral Citation : Yes/No

3/4



Index :Yes/No
msrm

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T.V.THAMILSELVI.J.

msrm

To

1. The Judicial Magistrate No.1, Gobichettipalayam

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