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C.R.P(NPD).No.1586 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 07.12.2023**

**CORAM**

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**C.R.P(NPD).No.1586 of 2023**  
**and CMP.No.10360 of 2023**

1. Jemini
2. Mari
3. Karmegam
4. Boobalan

. .. Petitioners

**Vs**

Vaijayanthi

... Respondent

**Prayer :** Civil Revision Petitions filed under Article 227 of Constitution of India, praying to against the order dated 01.02.2023 passed by the Hon'ble Principal District Judge, Krishnagiri in CrI.A.No.02 of 2021 partly confirming the order dated 14.09.2016 passed by District Munsif Cum Judicial Magistrate, Uthangarai made in D.V.No.5 of 2014.

For Petitioners : M/s.K.Vijayalakshmi  
Dass and Viswa Associates

**ORDER**

This Civil Revision Petition has been filed to set aside the order dated 01.02.2023 passed by the Principal District Judge, Krishnagiri in



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Crl.A.No.02 of 2021.

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2. Before the trial Court, the respondent has filed D.V.No.5 of 2014 against the revision petitioner and others. The said DVC was allowed in favour of the respondent. Against, which, the revision petitioners have preferred an appeal in Crl.A.No.02 of 2021 seeking to set aside the conviction and awarding maintenance amount imposed against the appellant/revision petitioners. The said appeal was partly allowed by the Appellate Judge holding that the respondent is entitled to claim possession and Rs.2,00,000/- was ordered by the trial Judge in D.V.No.5 of 2014. Against which, the revision petitioners have filed this Civil Revision Petition before this Court.

3. The learned counsel for the revision petitioners submitted that the petitioners are the in-laws of the respondent and the properties are the self acquired property. He further submitted that the 1<sup>st</sup> petitioner's son Megaraj and his wife and his daughters jointly resides along with the 1<sup>st</sup> petitioner. After demise of 1<sup>st</sup> petitioner's son Megaraj, his wife and minor daughters resides along with the 1<sup>st</sup> petitioner and the 1<sup>st</sup> petitioner provides all amenities to them. He further submitted that the Courts below failed to note



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that, the petitioners have not know the marriage solmnized between his son Megaraj and the respondent/Vaijyanthi. Till the death of Megaraj, the petitioners have not seen her face. He further submitted that the respondent and her minor daughters filed a suit for partition against the petitioner and others before the learned Subordinate Judge, Uthangarai in O.S.No.282 of 2014 and the same was dismissed by the trial Court, holding that the marriage solemnized between the respondent and Megaraj was not properly proved by the plaintiff/respondent. He further submitted that the Courts below without adducing proper evidence of documents and without considering the petitioner's side counter, allowed the petition and direct the petitioner to pay the entire maintenance amount to the respondent, otherwise sent him civil prison till the maintenance amount realized by the respondent. Hence, he prayed to set aside judgment dated 01.02.2023, in CrI.A.No.02 of 2021.

4. On a perusal of the records, it reveals that the plaintiff/respondent has right over the suir property because the properties are ancestral property . Hence, the plaintiff/respondent is entitled to claim possession and for a sum of Rs.2,00,000/- in the order passed by the DVC proceedings. Therefore, I do not find any reason to interfere with the orders of the Courts



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below, since because the plaintiff/respondent is living with the aged parents along with children without any source of income and the husband of the

**T.V.THAMILSELVI, J.**

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respondent also died. Hence, there is no error in the Judgement passed by the trial Court in CrI.A.No.02 of 2021, dated 01.02.2023.

5. In the result, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

07.12.2023

Internet : Yes/No  
Index : Yes/No  
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To

1. The Principal District Court, Krishnagiri.
2. The District Munsif cum Judicial Magistrate, Uthangarai.
3. The Section Officer,  
VR Section,  
High Court of Madras.



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