



C.R.P.No.1594 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2023

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Civil Revision Petition No.1594 of 2023

N. Yadhavaraj .. Petitioner

Vs.

Abirami .. Respondent

Prayer: Civil Revision Petition under Article 227 of the Constitution of India praying to set aside the order dated 28.02.2023 made in CMP.No.46665/2022 in DVA.No.148 of 2022 before the Court of Special Trial Court for Domestic Violence Act Cases, Coimbatore.

For the Petitioner : Mr. C. Sangamithirai

ORDER

This civil revision petition is disposed of at the time of admission, as the petitioner has challenged the order dated 28.02.2023, whereby, the application filed by the petitioner for setting aside the order setting him ex parte on 20.01.2023 was allowed subject to the condition that



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he pays a sum of Rs.3,000/- to the District Legal Services Authority on or before 06.03.2023.

2. The petitioner, instead of filing an application for enlargement of time under Section 148, CPC, has approached this Court straight by way of this revision.

3. In my opinion, substantial justice requires to be done. Although the petitioner should have filed the petition under Section 148, CPC, no purpose would be served by directing the petitioner to file a fresh petition under Section 148, CPC as the case itself is listed for hearing on 11.05.2023 for recording of evidence of the respondent in DVA No.148 of 2022.

4. In view of the above, the petitioner is directed to deposit the aforesaid sum on or before 09.05.2023 and produce a copy of the receipt before the learned Judicial Magistrate, Special Court for Trial of Domestic Violence Act Cases, Coimbatore. The delay caused in remitting the amount stands condoned. The learned Judicial



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Magistrate, Special Court for Trial of Domestic Violence Act Cases, Coimbatore is directed to proceed with the case by permitting the petitioner to cross examine the respondent, after examination of the respondent and thereafter, proceed to pass orders in DVA No.148 of 2022 in accordance with law.

The civil revision petition is disposed of with the above direction. There will be no order as to costs. C.M.P.No.10427 of 2023 is closed.

05.05.2023

Index : Yes/No
Neutral Citation : Yes/No

Note to Office:

Issue order copy on 08.05.2023

kpl/mrn

To

The Judicial Magistrate
Special Trial Court for Domestic Violence Act Cases
Coimbatore.



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C.SARAVANAN,J

(kpl/mrn)

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