



CRP No.4174 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition No.4174 of 2023
and
C.M.P. No. 25426 of 2023

1.M.Vijayakumar
2.R.Muthuramalingam
3.Padmavathi @ Pappathi

... Petitioners

Versus

1.V.Miruthubashini
2.M.Suresh Kumar
3.M.Shanmugasundaram
Respondents

...

Civil Revision Petition filed Under Article 227 of the Constitution of India, praying to call for the records and to quash the petition in DVC.No.11 of 2023 which is pending on the file of Special Judicial Magistrate of Domestic Violence Act Cases, Coimbatore District.

For Petitioners : Mr. M.Saravanakumar

ORDER

The petitioner has filed this revision petition to call for the records and to quash the petition in DVC.No.11 of 2023 which is pending on the file of Special Judicial Magistrate of Domestic Violence Act Cases, Coimbatore



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WEB COPY 2. Heard, Mr. M.Saravanakumar, learned counsel for the petitioners and perused the materials available on record.

3. The learned counsel for the 1st revision petitioner/ husband submitted that 1st respondent / wife left matrimonial home long back in the year 2012. In spite of notice given by him, she refused to come back. After a lapse of 9 years, she has filed DVC.No.11 of 2023 under Section 12 of the Domestic Violence Act, 2005, without any valid ground. The 1st petitioner has already paid Interim maintenance of Rs.3,97,500/- to the respondent. Admittedly, his wife filed M.C.No.153/2016, long back before the learned Principal Family Judge, Coimbatore and the husband also filed GWOP.No.109 of 2021, on the file of the Principal District Court, Coimbatore. As per the contention of the 1st revision petitioner a sum of Rs.8,000/- is awarded per month as interim maintenance, but he was not able to submit the particulars of the maintenance, he paid. He further submitted that the respondent made several false allegations, against him and every thing has been proved before the trial Court by adducing evidence.



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4. Therefore, this Court is inclined to give liberty to the petitioners to raise all the defence before the trial Court, and without adducing evidence the allegation cannot be decided.

5. Considering the age of the 2nd and 3rd petitioners, who were aged about more than 60 years and other petitioners are close relatives. The personal appearance of all the petitioners other than the husband are dispensed with and they are directed to appear before the trial Court as and when their appearance is required by the trial Court.

6. In view of the above, this Civil Revision petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

20.11.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No
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To
1. The Special Judicial Magistrate of Domestic Violence Act Cases, Coimbatore District.

2. The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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