



CRP.No.4340 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP.No.4340 of 2022
and CMP.No.22887 of 2022

Jayachandiran @ Nadessin

... Petitioner

Vs.

Navaneedham Alias Sundaravadivu

... Respondent

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India to strike off DVC.No.50 of 2022 pending on the file of the Judicial Magistrate-III Court, Puducherry, which is a blatant abuse of the provisions of the Domestic Violence Act and the process of law, and is extremely unjust to the innocent petitioner herein who has not even been living under the same roof as the respondent herein for over 18 years.

For Petitioner : Mr.P.Elaya Rajkumar
for M/s.Ramalingam and Associates

ORDER

This civil revision petition has been filed to strike off DVC.No.50 of 2022 pending on the file of the Judicial Magistrate-III Court, Puducherry.



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2. Though notice was sent to the respondent, the same has been returned with endorsement 'no such person'. Today also, there is no representation on behalf of the respondent.

3. The learned counsel for the petitioner submits that the petitioner is the husband of the respondent. By invoking Domestic Violence Act, the respondent / wife attempted to get possession of the property which belongs to her mother in law and already a civil suit was filed in OS.No.973 of 2005 on the file of the District Munsif, Pondicherry and the said suit was decreed on 23.12.2010. Thereafter, first appeal was filed, which was also dismissed, against which Second Appeal was also filed. The same was also dismissed on 14.09.2021 by this Court holding that the property absolutely belongs to her mother in law Jayagandhi and also directed the respondent herein to hand over the possession of the property within a period of one month from the date of the order. The said order was passed on 14.09.2021. Thereafter, she initiated DVAC proceedings claiming interim maintenance, educational expenses for her son and also seeking injunction restraining the petitioner herein from causing any steps for evicting her from their residence. Contrary to the order passed in the second appeal, suppressing the entire facts, she approached the court as if her possession is interfered by the respondent not disclosing the eviction



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proceedings initiated by her mother in law. After the death of her mother in law, her legal heirs are there.

4. Admittedly, notice was sent and there is no representation on the side of the respondent. However, on seeing the facts that already in SA.No.1152 of 2012, this Court clearly held that the property absolutely belongs to her mother in law Jayagandhi and also not accepted the contention of the respondent that she is in enjoyment of the property because from the year 2005, the husband and the wife are living separately and also not accepted the contention with regard to domestic violence. Further, this Court also directed the respondent to hand over the possession to the mother in law within a period of one month. Instead of complying the order, she filed this application, which is clearly abusing of process of law. As such, this Court is inclined to strike off the DVC proceedings. Furthermore, she is already receiving maintenance and if she wants to enhance the same, she can work out the remedy in the proceedings where she already received maintenance.

5. In view of the above, this civil revision petition is allowed and the entire proceedings in DVC.No.50 of 2022 pending on the file of the Judicial



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Magistrate-III Court, Puducherry is struck off. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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T.V.THAMILSELVI, J.

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To
Judicial Magistrate-III Court,
Puducherry

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