



WEB COPY



CRP(MD).Nos.343 and 344 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CRP(MD).Nos.343 and 344 of 2023

and

C.M.P(MD).Nos.1667 and 1669 of 2023

C.R.P(MD).No.343 of 2023

Balasundara Ganapathy

... Petitioner/ Petitioner/
1st Respondent

Vs.

1.Meenakshi Devi

... 1st Respondent/1st Respondent/
Petitioner

2.Muthukumar

... 2nd Respondent/2nd
Respondent/2nd Respondent

PRAYER : Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the order passed in Cr.M.P.No.2834 of 2021 in DVOP.No.36 of 2014 dated 02.12.2022 on the file of the Judicial Magistrate Court, Valliyoor.

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For Petitioner : Mr.S.Micheal Heldon Kumar

C.R.P(MD).No.344 of 2023

Balasundara Ganapathy

... Petitioner/ Petitioner/
1st Respondent

1/5



CRP(MD).Nos.343 and 344 of 2023

Vs.

1.Meenakshi Devi

... 1st Respondent/1st Respondent/
Petitioner

2.Muthukumar

... 2nd Respondent/2nd
Respondent/2nd Respondent

PRAYER : Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the order passed in Cr.M.P.No.1385 of 2022 in DVOP.No.36 of 2014 dated 02.12.2022 on the file of the Judicial Magistrate Court, Valliyoor.

For Petitioner : Mr.S.Micheal Heldon Kumar

COMMON ORDER

The present revision petitions have been filed challenging an order passed by the learned Judicial Magistrate, Valliyoor, rejecting the applications in Cr.M.P.No.2834 of 2021 to condone the delay of 2430 days in setting aside the ex-parte order and Cr.M.P.No.1385 of 2022 to set aside the ex-parte order in D.V.O.P.No.36 of 2014.

2. According to the learned counsel appearing for the petitioner, summons were not served upon the petitioner and he had not appeared before the learned Judicial Magistrate Court, Valliyoor, at any point of time. He came to know about the order only belatedly and



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thereafter, he filed applications in Cr.M.P.No.2834 of 2021 to condone the delay in filing the set aside petition and Cr.M.P.No.1385 of 2022 to set aside the ex-parte order made in DVOP.No.36 of 2014 dated 02.12.2022. The learned Judicial Magistrate had dismissed the said applications on the ground that final order had already been passed and without assigning any proper reason, the present applications have been filed. The said order is under challenge in the present revision petition.

3. A perusal of the order passed by the learned Judicial Magistrate does not disclose whether summons were served upon the revision petitioner or not. However, this Court is of the view that the order passed in D.V.O.P., is an appealable order under Section 29 of the Protection of Women from Domestic Violence Act, 2005. Therefore, liberty is granted to the revision petitioner to file an appeal. Incase, if any appeal is filed within a period of two weeks from the date of receipt of a copy of this order, the same shall be entertained without any reference to the limitation.



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4. With the aforesaid observation, these Civil Revision Petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

14.02.2023

Index : Yes / No

Internet : Yes / No

Rmk

To
The Judicial Magistrate, Valliyoor.



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R.VIJAYAKUMAR ,J.,

Rmk

Order made in
CRP(MD).Nos.343 and 344 of 2023

Dated:
14.02.2023