



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Sixth day of March Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice C.SARAVANAN

CMP(MD) No.2811 of 2023
in
CRP(MD) No.613 of 2013

SIVASAKTHI

... Petitioner / Petitioner

Vs

1 D. NATHIYA

2 MINOR.V.PRAJNA

3 MINOR.V.PRAGATHI

(MINOR 2ND AND 3RD RESPONDENTS ARE REPRESENTED THROUGH HER MOTHER,
NATURAL GUARDIAN 1ST RESPONDENT / NATHIYA)

4 M.VIJAY

5 M.DEVIKA

6 M.SUMITHA

7 V.MURUGESAN

... Respondents / Respondents

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to dispense with the personal appearance of the petitioner / 5th respondent before the Judicial Magistrate Court, Melur, Madurai District in DVC No.14/2022 pending disposal of the above civil revision petition.

Prayer in CRP(MD). 613/ 2023 :

Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records relating to the proceedings in D.V.C.No.14/2022 on the file of Judicial Magistrate Court, Melur, Madurai District and Strike off the same.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. A.K.AZEY KUMAR RHAKUL, Advocate for the petitioner the court made the following order:-



The petitioner herein is the 5th respondent in D.V.C. No. 14 of 2022 before the learned Judicial Magistrate, Melur, Madurai District.

2. It is the specific case of the petitioner that the first respondent herein is the wife of the fourth respondent. The allegation against the petitioner is that the petitioner is having illicit relationship with the fourth respondent even though the fact remains that the petitioner herein is married one K. Senthil on 06.09.2009 as per the Marriage Certificate, which was issued by the Marriage Register Office, Thallakulam, which was produced by the petitioner herein. It is submitted that since the petitioner has been arrayed as the fifth respondent in D.V.C.No.14 of 2022, the petitioner is facing marital problem with her husband.

3. The petitioner has also filed applications for dispensing with her personal appearance before the learned Judicial Magistrate, Melur, Madurai District, in D.V.C.No.14 of 2022 and to stay for proceedings in D.V.C.No.14 of 2022 pending disposal of the case.

4. Being satisfied with the reasons given in the affidavit and considering the fact that in the connected proceedings in CrI.OP(MD) No.15019 of 2022 filed by the sixth respondent herein, this Court has granted interim stay of all proceedings in the said D.V.C.No.14 of 2022 and dispensed with the appearance of the sixth respondent herein.

5. Considering the above, there shall be an order in CMP(MD) No.2811 of 2023 subject to the condition that the petitioner shall appear before the Trial Court as and when required. However, it is made clear that the petitioner shall continue to appear through her counsel.

sd/-
06/03/2023

/ TRUE COPY /

/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1. The Judicial Magistrate,
Melur, Madurai District.

2. Do through the Chief Judicial Magistrate,
Madurai District.



WEB COPY

CMP(MD)



23

+1 CC to M/s.B. DEEPA, Advocate (SR-3443[I] dated 06/03/2023)

ORDER

IN

CMP (MD) No.2811 of 2023

in

CRP (MD) No.613 of 2023

Date :06/03/2023

ED/SBN/SAR-3 (16/03/2023) 3P 4C