



C.R.P.(MD).No.996 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on : 22.08.2023

Pronounced on : 21.12.2023

CORAM :

THE HONOURABLE Mrs. JUSTICE **K.GOVINDARAJAN THILAKAVADI**

C.R.P.(MD).No.996 of 2023

C.M.P(MD)4679 of 2023

1.R.Suryaprakash
2.V.Raja
3.R.Chithra

...Petitioners

Vs.

1.T.Subananthini
2.Minor S.Kaviyan
(Note: 2nd respondent is the minor represented
through his mother/next friend the 1st respondent herein)

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the entire records pertaining to the proceedings initiated by the respondent in D.V.A.No.22 of 2022 dated 23.11.2022 before the Additional Mahila Court, (Magistrate level) Ramanathapuram, to strike off the same and allow this civil revision petition.

For Petitioners : Mr.M.Ponniah

For Respondents : Mr.P.Niresh kumar



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admission she had made false allegations in her complaint filed before the Additional Mahila Court in D.V.A. No22/2022. Hence, no case is made out by the 1st respondent against the petitioners for alleged cruelty and no specific date of occurrence has been alleged in the petition filed before the Additional Mahila court Ramanathapuram. It is also submitted that the 1st respondent failed to make out a specific case for the alleged cruelty caused by the petitioners herein. The prayer in D.V.A.No.22/2022 is nothing but with intention to send out the petitioners 2 and 3 who are the aged parents of the 1st petitioner from the matrimonial home which is against the principle of natural justice. It is further submitted that the said property is the absolute property of the father of the 1st petitioner in which the 1st petitioner himself has no right. The jewels of the respondent was already handed over to her on 31.01.2023, during the proceedings of CRL.O.P.No.21210/2022 and she is in possession of 12 sovereigns of jewels given by the 1st petitioner at the time of marriage. Hence, the prayer for return of jewels is unsustainable .

3. The learned counsel appearing for the petitioner would submit that the above D.V.A.No.22/2022 is preferred by the respondents, intentionally to harass the petitioners. Therefore, the same shall be quashed.



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4. On the other hand, the learned counsel appearing for the respondent would submit that the petitioners have subjected the first respondent to cruelty and also demanded dowry from her. Hence she was constrained to file the above complaint before the Additional Mahila Court, Ramanathapuram. Hence, the above D.V.A.No.22/2022 proceedings requires adjudication in the interest of justice.

5. Heard on both sides and records perused.

6. On perusal of the complaint filed by the first petitioner before the Additional Mahila Court, Ramanathapuram, it is found that several allegations were made against the petitioners herein with regard to the physical and mental harassment caused to her. Whether such allegations are true can be elucidated only at the time of trial of the above case. Moreover, the petitioners 2 and 3 were sharing household along with the 1st respondent after the marriage. Therefore, the allegations made against them cannot be thrown away at threshold, it requires adjudication. However, considering the age of the petitioners 2 and 3 the personal appearance before the Additional Mahila Court, Ramanathapuram, at the time of trial is dispensed unless their presence is required.

7. However, the learned Additional Judge, Mahila Court, Ramanathapuram, is directed to dispose the above D.V.A.No.22/2022 a period



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of six months by giving sufficient opportunities to the respective parties,
without unnecessary adjournments and in accordance with law.

8. With the above observations, this Civil Revision petition stands
dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.12.2023

Internet : Yes/No

Index: Yes/No

vsn

To

The Additiional Mahila Court, (Magistrate level) Ramanathapuram.



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vsn

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