



C.R.P.(MD) No.1642 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

C.R.P.(MD) No.1642 of 2023

1.Jega Jothi Lakshmi
2.Minor Subbulakshmi
represented through her mother / guardian/
1st petitioner, Jega Jothi Lakshmi ... Petitioners

Vs.

1.Velayutham
2.Gomathisankar
3.Subbulakshmi ... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Judicial Magistrate No.1, Tirunelveli to dispose of the Domestic Violence Case in D.V.C.No.7 of 2021 pending on the file of the Judicial Magistrate Court No.1, Tirunelveli within a time fixed by this Court.

For Petitioners : Mr.S.A.Ganapathyraman

ORDER

The petitioners have preferred this Civil Revision Petition for a direction to the Judicial Magistrate No.1, Tirunelveli to dispose of the Domestic Violence Case in D.V.C.No.7 of 2021 pending on the file of the Judicial Magistrate Court No.1, Tirunelveli within a time to be fixed by this Court.



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2. The petitioners have initiated Domestic Violence Proceedings against the respondents in D.V.C.No.7 of 2021 before the Judicial Magistrate Court No.1, Tirunelveli. According to the petitioners, the above D.V.C. was filed in the year 2021 under Section 12 of the Protection of Women from Domestic Violence Act and the learned Judicial Magistrate ought to have disposed of the same within a period of sixty days from date of its first hearing as per Sub Section (5) to Section 12 of the Act.

3. It is submitted that the learned Judicial Magistrate failed to dispose of the said petition within the period of sixty days and taking advantage of this, the respondents, with the intention to drag on the proceedings, were seeking several adjournments for several reasons which was also entertained by the Court below.

4. It is further submitted that the first petitioner is living with her minor child the second petitioner herein and great hardship is caused to her since the entire proceedings is not put to an end. Hence, the present Civil Revision Petition is preferred for a direction of early disposal of D.V.C.No.7 of 2021 pending on the file of the Judicial Magistrate Court No.1, Tirunelveli within a time to be fixed by this Court.



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5. On perusal of the records, it is seen that the respondents have taken several dates for filing counter affidavit and also to cross-examine the petitioners which would show the intention of the respondents to drag on the proceedings. The Court below ought not to have entertained the adjournments sought for by the respondents without any valid reasons.

6. Considering the facts and circumstances of the case, the learned Judicial Magistrate No.1, Tirunelveli is directed to dispose D.V.C.No.7 of 2021 on merits and in accordance with law, by affording sufficient opportunities to the parties to put forth their contentions, expeditiously, without giving any unnecessary adjournments, within a period of six months from the date of receipt of a copy of this order.

7. Accordingly, this Civil Revision Petition is disposed of with the above directions. No cost.

12.07.2023

NCC :Yes/No
Internet: Yes/No
jen

Issue order copy on 13.07.2023



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K.GOVINDARAJAN THILAKAVADI, J.

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To
The Judge,
Judicial Magistrate Court No.1,
Tirunelveli

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