



C.R.P.(MD) No.2000 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2023

CORAM

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.R.P.(MD) No.2000 of 2023

and

C.M.P.(MD) Nos.10010 & 10011 of 2023

1.Kalaivani

2.Sri Deepika

3.Arun Kumar

... Petitioners

Vs.

1.V.C.Archana

2.Savani Arumugam [Died]

... Respondents

[Cause title accepted *vide* court order dated 28.07.2023 made in C.M.P.(MD) No.9168 of 2023 in C.R.P.(MD) SR.No.53075 of 2023]

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to the order dated 20.02.2023 passed in C.M.P.No.1785 of 2022 in D.V.C.No.16 of 2022 on the file of the Additional Mahila Court, Karur and set aside the same.

For Petitioners : Mr.N.Balasubramanian



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ORDER

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This Civil Revision Petition has been preferred against the impugned order dated 20.02.2023 passed in C.M.P.No.1785 of 2022 in D.V.C.No.16 of 2022 on the file of the Additional Mahila Court, Karur.

2. According to the petitioners, the marriage between the first respondent herein and one Karthiresan who is the first respondent in D.V.C.No.16 of 2022 took place on 10.02.2019 and thereafter, due to some matrimonial discord, the first respondent/wife filed D.V.C.No.16 of 2022 against the petitioners and her husband.

3. It is submitted that the petitioners herein are in no way connected to the allegations leveled by the first respondent/wife against the petitioners in the petition in D.V.C.No.16 of 2022 and therefore, the petitioners and the first respondent's husband approached this Court in C.R.P.(MD) No.1497 of 2022.

4. This Court, *vide* order dated 30.11.2022, directed the petitioners to file appropriate application before the learned Magistrate before whom the D.V.C.No.16 of 2022 is pending, to delete their names, if the petitioners are



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having any grievances that they have been unnecessarily added as parties to the proceedings. This Court further directed the learned Magistrate, if such application is filed by the petitioners, to decide the same as per the decision of the Hon'ble Supreme Court in **Kunapareddy Vs. Kunapareddy Swarna Kumari**, reported in (2016) 11 SCC 774 and also dispose the D.V.C.No.16 of 2022 within a period of 6 months from the date of the receipt of a copy of that order.

5. However, the learned Additional Mahila Court Judge, Karur, without proper application of mind, simply dismissed the petition in C.M.P.No.1785 of 2022 in D.V.C.No.16 of 2022 filed by the petitioners *vide* impugned order dated 20.02.2023.

6. Therefore, the impugned order dated 20.02.2023 passed in C.M.P.No. 1785 of 2022 in D.V.C.No.16 of 2022 is set aside and the matter is remitted back to the Additional Mahila Court, Karur to dispose the petition in C.M.P.No.1785 of 2022 in D.V.C.No.16 of 2022 filed by the petitioners as per the direction in Paragraph 4(i) in the order dated 30.11.2022 passed in C.R.P. (MD) No.1497 of 2022, on merits and in accordance with law, within a period of 1 month from the date of receipt of a copy of this order.



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K.GOVINDARAJAN THILAKAVADI, J.

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7. Accordingly, this Civil Revision Petition is disposed of. No cost.
Consequently, connected Miscellaneous Petitions are closed.

11.08.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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To : The Judge,
Additional Mahila Court, Karur.

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