



C.R.P.(MD)No.3016 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3016 of 2023

1. Manivannan

2. Shanmugam

3. Savithri

... Petitioners/
Respondents

Vs.

A.Vijayachandrika

... Respondent/
Petitioner

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Additional Mahila Court, Sivagangai to take on file the ex parte set aside petition filed in filing No.2985 which was returned on 27.07.2023.

For Petitioners : Mr.A.Satheesh Murugan

ORDER

The Civil Revision Petition is directed against the order of returning the petition filed under Section 126(2) C.P.C. r/w Rule 6(5) of the Domestic Violence Rules, dated 27.07.2023.



C.R.P.(MD)No.3016 of 2023

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2. It is seen from the records that the revision petitioners were set *ex parte* on 18.04.2023 and when the case was posted for orders in the main D.V.C. proceedings on 27.07.2023, the revision petitioners have filed a petition for setting aside the *ex parte* order passed on 18.04.2023 and that the learned Magistrate has returned the petition since the orders in the main D.V.C. were passed on that day.

3. The learned counsel appearing for the revision petitioners would submit that subsequent to the passing of the main orders on 27.07.2023, the revision petitioners have filed another petition for setting aside the *ex parte* main order passed on 27.07.2023, but that petition was also returned raising a query since the judgment was already pronounced as to how the petition is maintainable.

4. As already pointed out, the trial Court has set the revision petitioners *ex parte* and proceeded with the case and passed orders on 27.07.2023.

5. Considering the above, the revision petitioner is hereby directed



C.R.P.(MD)No.3016 of 2023

to represent the petition dated 01.08.2023 which was filed for setting aside the *ex parte* order dated 27.07.2023 and on such representation, the learned Additional Mahila Judge, Sivagangai, is directed to take the petition on file, if it is otherwise in order and proceed with the same in accordance with law.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

20.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

Note : Registry is directed to return the original papers to the revision petitioners, after getting necessary acknowledgments.

To

1. The Additional Mahila Court,
Sivagangai.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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