



C.R.P(MD)No.2610 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.2610 of 2022

1.K.Aarthy

2.Minor.P.Ovyn Amit Kishan

... Petitioner/Petitioner

Vs.

1.S.Pradeep

2.T.Selvaraj

3.Muthulakshmi

4.Preethi Rajesh

... Respondents/Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the learned Judicial Magistrate /Additional Mahila Judge, Madurai to dispose of the D.V.O.P.No.25/2019 within a time frame fixed by this Court and also direct the all the respondents to appear regularly to the court.

For Petitioner : M/s.Chamundi Bose

For R1 : No Appearance

For R2 - R4 : Mr.S.Vanchinathan



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ORDER

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The present revision petition has been filed by the wife for seeking expeditious disposal of D.V.O.P.No.25 of 2019 within a time frame.

2. It could be seen from the B-diary extract, the learned Chief Judicial Magistrate is adjourning the case on the ground that the respondents are not appearing in person. The learned counsel appearing for the respondents brought to the notice of the Court the Hon'ble Full Bench judgment of our High Court reported in **2022 (6) CTC 833 (Arul Daniel and Others Vs. Suganya)** Paragraph No.76 Clause (iv) which is extracted hereunder.

“(iv) Personal appearance of the Respondent(s) shall not be ordinarily insisted upon, if the parties are effectively represented through a Counsel. Form VII of the D.V.Rules, 2006 makes it clear that the parties can appear before the Magistrate either in person or through a duly authorized Counsel. In all cases, the personal appearance of relatives and other Third parties to the domestic relationship shall be insisted only upon compelling reasons being shown.”

3. It could also be seen that the petitioner has already filed a similar application in C.R.P(MD)No.2 of 2022 for early disposal of



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D.V.C.No.25 of 2019 and the same was disposed of by this Court on 05.01.2022 directing the learned Chief Judicial Magistrate to dispose of the same within a period of 3 months. However, the same has not been disposed of on the ground that the respondents are not appearing in person.

4. In view of the judgment of the Hon'ble Full Bench, the learned Judicial Magistrate/Additional Mahila Judge, Madurai is directed to dispose of D.V.O.P.No.25 of 2019 on or before 31.05.2023 without insisting upon the personal appearance of the respondents, if they are effectively represented through their counsel. In case, if the 1st respondent makes request through their counsel for hearing through video conferencing, the same shall be allowed.

5. With these observations, this Civil Revision Petition stands allowed to the extent as stated above. No costs.

16.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Judicial Magistrate /
Additional Mahila Judge,
Madurai.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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