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C.R.P.No.1365 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM:

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

**C.R.P.No.1365 of 2024**

**and**

**C.M.P.No.7344 of 2024**

Bharathithasan

... Petitioner

Vs.

1.Sasikala

2.Sivagami

3.Jayanthi

4.Annamalai

... Respondents

**PRAYER:** Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to set aside the Docket order passed in DVC No.115 of 2023, dated 19.01.2024, on the file of the Judicial Magistrate-III, Puducherry Union Territory and quash the same against the petitioners.

For Petitioner : Mr.C.Veera Raghavan



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## **ORDER**

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This Civil Revision Petition has been filed to set aside the Docket order passed in D.V.C. No.115 of 2023, dated 19.01.2024, on the file of the learned Judicial Magistrate-III, Puducherry Union Territory and quash the same against the petitioner.

2.The petitioner, who is the first respondent in D.V.C.No.115 of 2023 filed by the first respondent herein, had filed this revision questioning the docket order passed in D.V.C.No.115 of 2023 dated 19.01.2024 by the trial Court directing the petitioner to produce the birth certificate of the child by next hearing date, i.e., 23.02.2024.

3.The primary contention of the learned counsel for petitioner is that the petitioner was present on 19.01.2024 and the order has been passed in the absence of the first respondent to produce the Birth Certificate of the child, when the copy of the same is very much available with the respondent.



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His further contention is that there was no petition filed by the first respondent to produce the birth certificate of the child and the first respondent was not at all present before the trial Court.

4. When the learned counsel for petitioner questioned about disputing the paternity of the minor children B.Lakshana and B.Prarthana, he fairly submitted that the petitioner has got no such objection. His only grievance is that both minor children were not shown to the petitioner and the petitioner is unable to even see them.

5. Considering the submissions made and on perusal of the materials, this Court finds no reason to interfere with the order passed by the trial Court on 19.01.2024. If the petitioner is aggrieved by the respondent, denying him to meet his children, he can file an appropriate petition under the Guardians and Wards Act (GAWA), 1890 and he can also make a representation to the trial Court, which might consider the petitioner's plea sympathetically.



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**M.NIRMAL KUMAR, J.**

rsi

6.Accordingly, this Civil Revision Petition is dismissed. No costs.

Consequently, connected Civil Miscellaneous Petition is closed.

04.04.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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To

The Judicial Magistrate-III,  
Puducherry Union Territory.

**C.R.P.No.1365 of 2024**

**and**

**C.M.P.No.7344 of 2024**