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C.R.P.No.1155 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.1155 of 2024 and
C.M.P.No.5948 of 2024

1. Fayaz Khan
2. Shakeela

... Petitioners

Vs.

Zayatha Parveen

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the learned Judicial Magistrate (Additional Mahila Court), Krishnagiri to take on file the I.A.Sr. of 2024 (Online filing under TNCT0720A2450Q184) in D.V.CNo.18/2023 and to number the same, within the time frame, fixed by this court, by allowing the civil revision petition.

For Petitioners

: Mr.V.Sundarraman

ORDER

The Civil Revision Petition is filed seeking a direction to learned Judicial Magistrate, Additional Mahila Court, Krishnagiri District to take on file I.A.Sr.No of 2024 in DVC.No.18 of 2023 and number the same within a time frame.



2. The respondent herein filed a domestic violence case against the petitioners and others in DVC.No.18 of 2023 on the file of learned Judicial Magistrate, Additional Mahila Court, Krishnagiri District. The petitioners, who are parents-in-law of the respondent, filed an application to strike off their names from the above said case in I.A.Sr. of 2024 (Online filing under TNCT0720A2450Q184). The said application was returned by the Court below on 10.01.2024 raising question of maintainability. It is submitted by the learned counsel for the petitioners that the application was represented on 03.02.2024 offering his explanation. However, the same was not accepted by the concerned Court. Therefore, the learned counsel seeks a direction to the Court below to number the application filed by the petitioners.

3. In view of the submission made by the learned counsel for the petitioners that papers which were represented on 03.02.2024 was not accepted by the Court below, the petitioners are directed to represent the returned papers by offering their explanation as to the maintainability of the petition within a period of two weeks from the date of receipt of a copy of this order.



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4. If returned papers are represented by the petitioners within the time stipulated, the Court below shall consider the explanation offered by the petitioners and number the application, if it is satisfied with the explanation. If the Court is not satisfied with the explanation offered by the petitioners, then the matter shall be called in open Court and petitioners shall be given an opportunity to argue on the question of maintainability and thereafter, appropriate order shall be passed on merits.

5. With these directions, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

19.03.2024

Index : Yes / No

Internet : Yes / No

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Note:Registry is directed to return the impugned order in I.A.Sr. of 2024 (Online filing under TNCT0720A2450Q184) to the counsel for the petitioner.

To

The learned Judicial Magistrate (Additional Mahila Court), Krishnagiri

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S.SOUNTHAR, J.

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