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C.R.P.No.2375 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.2375 of 2021 and
C.M.P.No.18071 of 2021

B.Raghu

... Petitioner

Vs.

1.Balakalaivany

2.Bhaarathy

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order made in Cr.M.P.No.3162 of 2020 in D.V.C.No.42 of 2020 dated 01.12.2020 passed by the Judicial Magistrate-III, Puducherry.

For Petitioner

: M/s.R.Govindasamy

For respondents

: Unclaimed

ORDER

The Civil Revision Petition is filed challenging the order passed by the learned Judicial Magistrate, Puducherry directing the petitioner to pay a sum of Rs.5000/- and Rs.10,000/- per month as maintenance to respondents 1 and 2 respectively in an application filed by the respondents under Domestic Violence Act.

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2. Against the impugned order passed by the learned Magistrate, an appeal shall lie under Section 27 of Protection of Women from Domestic Violences Act to the Sessions Court. In view of availability of appeal remedy under Domestic Violence Act itself, this Court is not inclined to exercise the supervisory power under Article 227 of Constitution of India. Hence, the Civil Revision Petition is dismissed with liberty to the petitioner to avail appeal remedy .

3. It is made clear that petitioner is entitled to exclude the time during which the Civil Revision Petition has been pending before this Court (i.e., 01.04.2021 to date of receipt of copy of this order) while calculating the limitation for filing appeal. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
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Note: Registry is directed to hand over the original certified copy of the impugned order to the counsel for the petitioner.

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To

The learned Judicial Magistrate-III, Puducherry.



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S.SOUNTHAR, J.

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