



C.R.P.(PD).No.1783 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

**CORAM
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN**

**C.R.P.(PD).No.1783 of 2024 and
CMP.Nos.9412 & 9399 of 2024**

1.Deivegam

2.Aswathi

...

Petitioners

Vs.

1.Vasanthi

2.Minor Dhekshita

3.Minor Lakshith

Both Rep.by their Guardian Mother Vasanthi

4.Sathish Kumar

5.Zubaitha

6.Saranya

...

Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records relating to the D.V.C. No.01 of 2024 pending on the file of the learned District Munsif Cum Judicial Magistrate, Vazhapadi and quash the same.

For Petitioner : Mr.A.Kripakaran

For Respondent : Mr.T.Sundaravadanam

ORDER

This civil revision petition is filed seeking to call for the records relating to DVC No.1 of 2024, on the file of the District Munsif Cum Judicial Magistrate, Vazhapadi and to quash the same.



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2. When this revision was listed for final hearing, I heard Mr.A.Kripakaran for the petitioners and Mr.T.Sundaravadanam for the respondents. I pointed out to Mr.A.Kripakaran that the relationship between the parties are admitted and that the respondents 1 to 3 who are residing in the first floor portion of the property, are entitled to continue in the premises as it is a property, now owned by the 1st respondent's husband.

3. The petitioners, who are the Mother-in-law and Father-in-law of the first respondent, undertook not to interfere with the possession of the respondents 1 to 3 with respect to the property in which they are residing. Further more, Mr.A.Kripakaran undertook to pay a sum of Rs.2,00,000/- each in the name of minor respondents 2 and 3. The learned counsel for the respondents agreed to the said proposal.

4. I also called upon to file an affidavit that they will not interfere with the possession of respondents 1 to 3 and the property situated at D.No.2/128, Kullampalli, Kaaduvalavu Kullampatti Village and Post, Vazhapadi Taluk,



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Salem District. Subsequently, Mr.A.Kripakaran filed an affidavit of the Father-in-law and Mother-in-law, undertaking not to cause any disturbance to the respondents 1 to 3. This affidavit was filed on 21.08.2024 and it was taken on file on the same day.

5.Subsequently, Mr.A.Kripakaran brought forth a fixed deposit for a sum of Rs.2,00,000/- in the name of Miss.Deepshika. This complied only with the first provision of the undertaking. Today, Mr.A.Kripakaran has produced an another fixed deposit in the name of Master Lakshith for a sum of Rs.2,00,000/-. Both the amounts will mature when the children attain the age of majority. Both fixed deposit receipts have been received by the counsel representing the respondents 1 to 3.

6.Both sides have no objection if the proceedings in D.V.C.No.1 of 2024 are quashed, insofar as the civil revision petitioners and the fifth respondent in D.V.C are concerned. Being a family dispute and in the nature of a civil proceeding, I am inclined to accept the request for quashing



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the complaint.

7. Accordingly, C.R.P.(PD).No.1783 of 2024 is allowed. DVC No.1 of 2024 will stand quashed as against the civil revision petitioners and the fifth respondent in DVC No.1 of 2024. DVC No.1 of 2024 will continue against Mr.Sathish Kumar and Zubaitha/1st and 2nd respondents in DVC No.1 of 2024. D.V.C. shall stand quashed as against respondents 3 to 5 in D.V.C. No.1 of 2024. Consequently, connected miscellaneous petitions are also closed.

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21.10.2024

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

NCC: Yes/No

To:

The District Munsif Cum Judicial Magistrate,
Vazhapadi.

V.LAKSHMINARAYANAN,J.



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