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C.R.P.No.2247 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2024

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.No.2247 of 2024
and C.M.P.No.11799 of 2024

N.Chinnusamy

...Petitioner

vs.

1.Sathya Priya

2.Minor Aarathana

Rep. by its Mother Sathya Priya

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the impugned docket order passed by the learned Judicial Magistrate, Tiruchengode, vide docket order dated 30.05.2024 passed in CrI.M.P.(SR).No.1935 of 2024 in D.V.C.No.8 of 2023 on the file of the learned Judicial Magistrate Court, Tiruchengode.

For Petitioner : Mr.M.Mahamani

For Respondents : Mr.C.R.Malarvannan for R1 & R2

ORDER



C.R.P.No.2247 of 2024

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Challenging the impugned order returning the application filed by the petitioner to set aside the exparte order passed in the Domestic Violence case, the present Civil Revision Petition is filed.

2.The brief background of the case is as follows:

The first respondent filed an application under Section 12 of the Domestic Violence Act. In the said proceedings, the Revision Petitioner was set exparte. The exparte order has been passed directing him to pay a sum of Rs.10,000/- each to the petitioners as monthly maintenance and Rs.1,00,000/- as compensation to the first petitioner for mental agony said to have been suffered by the first petitioner.

3.To challenge the exparte order, the Revision Petitioner filed an application through his Power Agent viz., his father. However, the said application was filed on the ground that summons have not been served since he was in Saudi Arabia, the said application has been returned.

4.I have heard the learned counsel for the petitioner and learned



C.R.P.No.2247 of 2024

counsel for the respondents and I have perused the materials available on record.

5.An Application is taken out to set aside the exparte order, this Court is of the view that the Lower Court ought to have given an opportunity and ought to have numbered the application.

6.The petitioner has filed an application only to set aside the exparte order by appointing his father as Power Agent to file an application alone. In such a view of the matter, the Trial Court ought to have taken on file and numbered the said application.

7.Accordingly, the impugned order dated 30.05.2024 passed by the learned Judicial Magistrate, Tiruchengode is set aside and the Trial Court is directed to number the application and decide the main issue.

8.It is made clear that the exparte order will be set aside on condition that the petitioner herein shall pay a sum of Rs.5,000/- as maintenance to the minor child from the date of petition i.e., 29.05.2023 till 03.12.2024. On receipt of such deposit, the said amount shall be



C.R.P.No.2247 of 2024

released to the minor child by the Trial Court. The Trial Court shall allow the application filed to set aside the exparte order on such deposit.

9.For further appearance of the petitioner herein, the petitioner can be allowed to be participated through Video Conferencing except when the Court feels that his presence is absolutely necessary.

10.It is also made clear that since the Video Conferencing system is available in the Courts, the Trial Court also shall extend such benefits to the parties.

11.With the above directions, the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

03.12.2024

Index: Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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Note: Registry is directed to return the impugned order



C.R.P.No.2247 of 2024

To

The Judicial Magistrate Court, Tiruchengode.



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C.R.P.No.2247 of 2024

N.SATHISH KUMAR, J.

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C.R.P.No.2247 of 2024

03.12.2024