



C.R.P.(PD).No.3078 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.3078 of 2024
and C.M.P.Nos.16618 and 16619 of 2024

1. D.Arumugam
2. A.Nadhiya @ Nathipraba .. Petitioners

Versus

1. S.Malathi
2. M.Udhayakumar
3. S.Margabandhu
4. M.Kamala .. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to strike off the proceedings in so far as the petitioners/fourth and fifth respondents are concerned in D.V.C.No.7 of 2024 on the file of the learned Additional Mahila Court (Judicial Magistrate Level) at Chengalpattu.

For Petitioner : Mr.R.Ganesh Kumar

ORDER

This revision, under Article 227 of the Constitution of India, is filed to quash the proceedings insofar as the fourth and fifth respondents are



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concerned in D.V.C.No.7 of 2024 on the file of the Additional Mahila Court (Judicial Magistrate Level), Chengalpattu.

2. The relationship between the parties is not in dispute. The second civil revision petitioner, Nadhiya is the sister of the second respondent, Udhayakumar. D.Arumugam, the first civil revision petitioner is Nadhiya's husband. Udhayakumar married Malathi, the first respondent on 27.11.2020. Soon after the marriage, the parties started appearing in Court. The husband has initiated a petition for divorce in H.M.O.P.No.378 of 2022 on the file of the Subordinate Court at Arni, Tiruvannamalai district. The wife has initiated D.V.C.No.7 of 2024 before the Additional Mahila Court (Judicial Magistrate level) at Chengalpattu.

3. That there exists a domestic relationship between Malathi and Udhayakumar is not in dispute. According to the first respondent-Malathi, her sister-in-law and her husband namely, the civil revision petitioners, used to goad her husband to harass her. She would state that she was being used as an unpaid worker in the matrimonial home. The allegations against the fourth and fifth respondents being specific, I am not in a position to come to



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the rescue and quash the complaint. However, I have to take note of the fact that the fourth respondent has undergone surgery at the Institute of Neurosurgery, Madras Medical College and Government General Hospital, Chennai. Obviously, the husband will be taken care of by the wife. Therefore, while refusing to strike off D.V.C.No.7 of 2024 as against the petitioners herein, their appearance is dispensed with before the learned Judicial Magistrate. This order is being passed taking into consideration the sickness that the first civil revision petitioner is suffering from. They shall however, be represented by a Counsel on all hearing dates, and they shall appear before the Court when their presence is essential. To make it clear, for all procedural and other hearings, the appearance of the civil revision petitioners is dispensed with.

4. With the above observations, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

07.08.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs



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To
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The Additional Mahila Court (Judicial Magistrate Level),
Chengalpattu.



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V.LAKSHMINARAYANAN, J.

grs

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