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C.R.P.(PD)No.4935 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.4935 of 2024

1.M.D.Veeramani
2.Sangeetha

.. Petitioners

Vs

1.M.A.Mumtaj Surya
2.Moodurai Poyyamozhi

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to remove the names of the petitioners/respondents 2 & 3 as they are not maintainable or necessary parties in DVC case No.14 of 2023 on the file of the learned Judicial Magistrate No.1, Tirupattur to secure the hands of justice.

For Petitioners : Mr.R.Srinivasan

For R1 : Mrs.M.A.Mumtaj Surya, party-in-person



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ORDER

Heard Mr.R.Srinivasan for the civil revision petitioners and Mrs.M.A.Mumtaj Surya for the respondent/party-in-person.

2.This civil revision petition seeks to strike off names of the petitioners from the array of the parties in D.V.C.No.14 of 2023 on the file of the learned Judicial Magistrate No.1 at Tirupattur.

3.The civil revision petitioners are the brother-in-law of the 1st respondent and his wife. The 1st petitioner is the elder sibling of the 2nd respondent and the 2nd petitioner is his sister-in-law. There is no dispute with the relationship between the 1st and 2nd respondents. Alleging acts of domestic violence, the 1st respondent filed D.V.C.No.14 of 2023 on the file of the learned Judicial Magistrate No.1 at Tirupattur. She sought for several reliefs under Sections 17 to 23 of the Protection of Women from Domestic Violence Act.

4.In so far as the civil revision petitioners are concerned, the prayer has been confined to a protection order and also for a prohibition



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order restraining them from entering the school premises, where the child born to the respondents is studying. When specific allegations are made against a party, the truth or otherwise of the allegations cannot be gone into by me, while dealing with the revision seeking for a quash. It is always open to the petitioner to show the allegations made against them are false during the course of the trial.

5.At this stage, learned counsel for the petitioner points out that the petitioners are residing in Ajjanahalli in Pennagaram taluk, Dharmapuri District and it is difficult for them to travel a distance nearly 70 kilometers to attend the hearing at Tirupattur.

6.The party-in-person states that the civil revision petitioners have already been set *exparte* and the petition filed by them to set aside the said *exparte* order has not been taken on file by the learned Magistrate.

7.Considering the age and relationship of the civil revision petitioners with the 1st respondent, I am inclined to dispense with their appearance before the learned Judicial Magistrate No.1 at Tirupattur. They shall, however, be represented by a counsel on all hearing dates.



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They shall present themselves before the Court whenever the Magistrate specifically passes an order to that effect or when their presence is indispensable. It is left open to the learned Judicial Magistrate No.1 at Tirupattur to deal with the application filed to set aside the *exparte* order on its own merits.

8.With the above observations, the civil revision petition stands dismissed. The learned Judicial Magistrate No.1 at Tirupattur shall enquire with the petitioners and the 1st respondent in D.V.C. proceedings, if they are willing to undergo the process of mediation. In case of willingness, he shall refer the matter to mediation. No costs.

17.12.2024
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Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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To

The Judicial Magistrate No.1, Tirupattur.



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V. LAKSHMINARAYANAN,J.

Kj

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