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C.R.P.No.1681 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM

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

**C.R.P.No.1681 of 2024**  
**and**  
**C.M.P.No.8865 of 2024**

P.Sivakalai

.. Petitioner

VS

1.Vasantha  
2.Mahalakshmi  
3.Subramanian

.. Respondents

Petition filed under Article 227 of the Constitution of India against order dated 06.10.2023 passed in CrI.M.P.No.1809 of 2023 in D.V.C.No.18 of 2021 on the file of the Additional Mahila Court, (Magistrate Level) at Tiruvannamalai.

For Petitioner : Mr.K.Venkatesan

### **ORDER**

D.V.C. No.18 of 2021 has been filed by the wife who is a widow seeking protection and residence order. In the said proceedings, she wanted to send the Will executed in favour of the first respondent for the purpose of forensic examination.



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2. Insofar as protection and residence orders are concerned, under The Protection of Women from Domestic Violence Act, 2005, the helpless lady has to prove that she was residing in a 'shared house hold' along with her husband. Issues of title are alien to such a dispute. If she proves that she lived in the shared household, the order automatically follows. In case shared household is not proved, DVC will stand rejected. For the purpose of proving the shared household, the question of going into the genuineness of the Will in favour of the first respondent does not arise. Further DVC proceedings are summary proceedings and such proceedings cannot be converted into a regular civil Court.

3. The reasons given by the learned Judicial Magistrate I at Tiruvannamalai are borne out of correct appreciation of law. They do not require any interference. Therefore, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

18.04.2024

Index:Yes/No  
Neutral Citation:Yes/No  
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To

The Additional Mahila Court (Magistrate Level),  
Tiruvannamalai.



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**V. LAKSHMINARAYANAN,J.**

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