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C.R.P.[NPD].No.5092 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.12.2024

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.[NPD] No.5092 of 2024

Leena Catharin

.. Petitioner

Vs.

1.Kalaiyarasan
2.Malarkodi
3.Kalaivanan
4.Karunanidhi
5.Valarmathi
6.Rajasekaran

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the award passed in Lok Adalat Case No.861 of 2024 dated 09.03.2024 in respect of D.V.C.No.31 of 2022 (Old No.D.V.C.No.5 of 2020) on the file of the Judicial Magistrate I, Karaikal.

For Petitioner : Mr.R.C.Paul Kanagaraj

ORDER

This Civil Revision Petition has been filed seeking to set aside the award passed in Lok Adalat Case No.861 of 2024 dated 09.03.2024 in respect of D.V.C.No.31 of 2022 (Old No.D.V.C.No.5 of 2020) on the file of the Judicial Magistrate I, Karaikal.



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2. The case of the revision petitioner is that she fell in love with the 1st respondent for nearly 11 years. Thereafter, in the year 2024 and prior to that a complaint has been given by the revision petitioner against the 1st respondent. Now the said domestic violence case has ended in compromise before Lok Adalat on 09.03.2024 since the 1st respondent agreed to marry the petitioner and the marriage was also solemnised between the petitioner and the 1st respondent on 22.04.2024 and a reception date was fixed. Being so, all of a sudden, the 1st respondent left the house.

3. Therefore, now the challenge has been made mainly on the ground that the 1st respondent is not living with her and the reason assigned in the affidavit shows that there is clear misunderstanding between the petitioner and the 1st respondent. Though domestic violence case has been filed even before the marriage, according to them, they were in a live-in relationship for more than 11 years. After that domestic violence complaint had been filed, marriage has been conducted and thereafter, before the reception, he ran away. According to the revision petitioner, the settlement arrived



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between the parties before the Lok Adalat has to be set aside.

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4. Once the parties have taken a decision to withdraw the DVC complaint, mere subsequent differences between them that had taken place after marriage, cannot be a ground to set aside the award when the parties have consciously agreed and withdrawn the complaint unless plea of fraud established for getting such award, the said award cannot be set aside merely on the basis of matrimonial dispute arose later in their life. Hence, this Court is of the view that the award cannot be set aside. It is open to the petitioner to resort any other proceedings, viz., to recover the maintenance etc.

5. In the result, the Civil Revision Petition is dismissed. No costs.

13.12.2024

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Index : Yes/No

Internet: Yes/No

Speaking/Non-Speaking Order

To:

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The Judicial Magistrate I, Karaikal.



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N.SATHISH KUMAR, J.

rst

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