



C.R.P.(PD).No.4682 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.4682 of 2024

and

C.M.P.Nos.26181 & 26182 of 2024

1.Mrs.G.Mohana

2.Mr.M.Gajapathy Naidu

... Petitioners

..Vs..

1.Mrs.R.Saranya

2.Mr.G.Chandru

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for records in D.V.C.No.76 of 2024 pending on the file of the XVIII Metropolitan Magistrate at Saidapet to strike off the same, in so far as it relates to the petitioners herein.

For Petitioners : Mr.B.Arvind Srevatsa



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ORDER

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This Civil Revision Petition challenges the very presentation of D.V.C.No.76 of 2024, on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai.

2. The relationship between the parties is not in dispute. The first petitioner is the mother-in-law and the second petitioner is the father-in-law of the first respondent. The first respondent married the second respondent on 27.06.2019 at Chennai. From the wedlock, a girl child was born on 26.04.2020.

3. Alleging that the second respondent did not prevent acts of domestic violence, that was meted out on her by the petitioners and making certain other allegations against the second respondent, the wife presented D.V.C.No.76 of 2024. In her application under Section 12 of the Protection of Women from Domestic Violence Act, 2005, she has sought for reliefs under Section 17 to Section 23 of the said Act.



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4. Mr.B.Arvind Srevatsa invites my attention to the medical certificates of the second petitioner, pointing out that the second petitioner is a person suffering from paralytic stroke from the year 2019. Therefore, he pleads the allegations made against him are highly improbable. He adds that the second petitioner is not in a position to take care of himself and therefore, the allegations in Paragraph Nos.22 and 23 are equally improbable. He states that a person who is bedridden, cannot do acts as alleged in the petition.

5. I have carefully considered the submissions of Mr.B.Arvind Srevatsa.

6. Whether the allegations are true or not, is for the learned XVIII Metropolitan Magistrate to appreciate, on an application filed to strike off the names of the respondents 2 and 3 from the array of parties in D.V.C.No.76 of 2024. Even if such applications is not filed, the Magistrate has to appreciate the same, at the time of final disposal.



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7. Being a revision, under Article 227 of the Constitution of India, I cannot assess the such evidence or receive new evidence in the form of medical records. It is always open to the civil revision petitioners to produce the records before the learned Metropolitan Magistrate as aforesaid.

8. At the time of filing the application to strike off, in case, they so desire, they will be entitled to produce the medical certificates that have been filed along with the revision, in order to plead the case as against the petitioners No.1 and 2 herein is motivated and improbable. Since, I am relegating the civil revision petitioners to file an application to strike off, as directed by the Full Bench of this Court in *Arul Daniel vs. Suganya (Crl.O.P. SR. Nos.31852 of 2022 Batch)*, dated 17.11.2022, I am not inclined to entertain this revision.

9. Taking note of the age and relationship of the civil revision petitioners with the first respondent, I am inclined to dispense with their appearance before the learned XVIII Metropolitan Magistrate. They shall, however, be represented by a counsel on all dates of hearing. In case, the



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learned Magistrate specifically orders for the appearance of the petitioners,
he shall appear before the Court or when the presence of the petitioners is
essential.

10. With the above observations regarding the appearance of the
parties, this Civil Revision Petition is dismissed. No costs. Consequently, the
connected miscellaneous petition stands closed.

25.11.2024

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Index : Yes/No

Internet : Yes/No

Neutral Citation Case: Yes/No



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V.LAKSHMINARAYANAN, J.

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