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C.R.P.(PD)No.4907 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.4907 of 2024 and
C.M.P.No.27525 of 2024

B.Sri Hariharan

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Petitioner

Versus

1. Mrs.A.Ashwini

2. Ms.Cleena C

..

Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India, to quash the order passed in D.V.C.No.91 of 2024 on the file of Additional Mahila Court, Egmore, Chennai 600 008.

For Petitioner : Mr.M.K.Bhoopathy Rajan

ORDER

This civil revision petition seeks to quash the proceedings in D.V.C.No.91 of 2024 on the file of the Additional Mahila Court, Egmore, Chennai.



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3. Mr.M.K.Bhoopathy Rajan pleads that the allegations made in the D.V.C. Petition are all false. He draws my attention to the proceedings in O.P.No.2491 of 2024, on the file of the Principal Family Court, Chennai and H.M.O.P.No.2404 of 2024 on the file of the IV Additional Family Court at Chennai. He pleads that both the petitioner as well as the respondent are not willing to live with each other and they have filed Divorce petitions before the Family Court. Therefore, he states that D.V.C.No.91 of 2024 is an abuse of process of the Court.

4. A Full Bench of this Court in the case of *Arun Danial Vs. Suganya* (2022 SCC online Mad. 5435) has held that a revision under Article 227 should not be entertained to quash the proceedings unless and until the Judicial Magistrate has no jurisdiction. The Full Bench pointed out that the remedy for the party, who pleads, that he has been unnecessarily impleaded to the proceedings is to file a petition for striking off his name from the array of parties before the learned Magistrate.



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5. From the perusal of the records, it shows that the petitioner married the respondent at Chennai on 09.06.2022. Therefore, I cannot conclude that the Magistrate lacks jurisdiction to entertain the D.V.C. petition.

6. Leaving it open to the civil revision petitioner to file an application to strike off before the learned Additional Mahila Court, Egmore, in D.V.C.No.91 of 2024, this civil revision petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

09.12.2024

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation:Yes/No
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To

The Additional Mahila Court,
Egmore.



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LAKSHMINARAYANAN, J

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