



CRP(MD).No. 315 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

CRP(MD).No.315 of 2024 and
CMP(MD).No.1434 of 2024

1.Muthu Mariyammal
2.Alagumeenal

Petitioners

Vs.

M.Thenmozhi

Respondent

PRAYER : Petition filed under Article 227 of the Constitution of India against the order, dated 02.01.2024 made in CrI.M.P.No.3774 of 2023 in DVC.No.10/2023 on the file of the District Munsif Cum Judicial Magistrate Court at Ilayankudi, Sivagangai District.

For Petitioners : Mr.D. Ramesh

ORDER

This Civil Revision Petition is filed against the order, dated 02.01.2024 made in CrI.M.P.No.3774 of 2023 in DVC.No.10/2023 on the file of the District Munsif Cum Judicial Magistrate Court at Ilayankudi,Sivagangai District.



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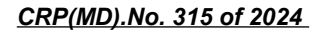
2. The petition in Crl.M.P.No. 3776 of 2023 filed by the revision petitioners, who are the original respondents 2 and 3 in D.V.C.No.10 of 2023, to delete them from arraying of the respondents, was dismissed by the trial Court. Against which this revision is preferred.

3. The learned counsel appearing for the revision petitioner would submit that there is no specific bar for filing the Civil Revision Petition against the said proceeding.

4. Section 29 of the Protection of Women From Domestic Violence Act, 2005 reads as follows:

29. Appeal : There shall lie an appeal to the Court of Session within thirty days from the date on which the order made by the Magistrate is served on the aggrieved person or the respondent as the case may be, whichever is later.

Since there is a specific provision to file an appeal against the order passed by the trial Court, this revision will not lie before this Court. The petitioner has to explore the remedy as per Section 29 of the Protection of Women From Domestic Violence Act, 2005, before the



5. The grievance of the petitioner is that the limitation for appeal before the Appellate Court is only 30 days. Therefore, the duration of the revision petition may be excluded for the purpose of limitation.

6. Hence, this Court directs the appellate authority to exclude the period of pendency of this revision petition before this Court while calculating the limitation in the appeal.

7. This Civil Revision Petition is disposed of accordingly.

No costs. Consequently, the connected Miscellaneous Petition is closed.

28.02.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

Note: Issue order copy on 05.03.2024

Note: Registry is directed to return the original papers after substituting the xerox copy of the same.



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To
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The District Munsif Cum Judicial Magistrate Court at Ilayankudi,
Sivagangai District.



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G.ILANGOVA, J.

Trp

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