



CRP(MD).No.509 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. 509 of 2024 and
CMP(MD).No.2566 of 2024

J.Sanjay Kumar

Petitioner

Vs.

1.S.Umamaheswari
2.J.Saidhasan
3.J.Saidheekshan
(minor respondents 2 and 3 rep. by
1st respondent)
4.Jeyakumar

Respondents

PRAYER : Petition filed under Article 227 of the Constitution of India to set aside the order made in Cr.M.P.No.3632 of 2023 made in DVC.No. 06 of 2023, dated 05.01.2024 on the file of the Judicial Magistrate Court No.I, Sivakasi.

For Petitioner : Mr.K.Dinesh

ORDER

This Civil Revision Petition is filed against the order, made in Cr.M.P.No.3632 of 2023 made in DVC.No.06 of 2023, dated 05.01.2024 on the file of the Judicial Magistrate Court No.I, Sivakasi.



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2. The petition in CrI.M.P.No. 3632 of 2023 filed by the respondents herein, who is the petitioners in D.V.C.No.06 of 2023, seeking interim relief and the same was allowed by the trial Court directing the petitioner to pay a sum of Rs.15,000/- as monthly maintenance. Against which this revision is preferred.

3. Heard the learned counsel appearing for the petitioner. Since no adverse order is passed against the respondents, notice to the respondents is not necessary.

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 Appellate Court only.



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

6. Hence, this Court directs the appellate authority to exclude the period 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: Registry is directed to return the original papers after substituting the xerox copy of the same.

To

The Judicial Magistrate Court No.I, Sivakasi.



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G.ILANGOVA, J.

Trp

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