



WEB COPY

C.RP(MD)No.792 of 2022



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**C.R.P(MD)No.792 of 2022
and
C.M.P(MD)Nos.3201 and 3203 of 2022**

1.Mr.E.Raja Sherin
2.Mr.K.Elias
3.Mrs.F.Baby Saroja
4.Mrs.E.Nirmal Subi
5.Mr.P.Stalin Prabhu

... Petitioners 1to5/Respondent
Nos.1 to 5

Vs.

Mrs.M.D.M.Sheela Priyadharshini

...Respondent/Petitioner

Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the Domestic Violence Application filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 in D.V.C.No.28 of 2021 on the file of the Judicial Magistrate No.1, Kuzhithurai, Kanyakumari District.

For Petitioners
For Respondent

:Mr.G.Anto Prince
:No appearance

**ORDER**

This Civil Revision Petition is filed to strike off the domestic violence application filed under Section 12 of the Protection of Women from the Domestic Violence Act, 2005 in D.V.C.No.28 of 2021 on the file of the Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District.

2.In this matter, notice has been served on the respondent. Though initially the learned counsel entered appearance, at sometime, the respondent also appeared as party-in-person, which was also permitted by this Court. It is stated that the respondent is a practicing advocate also.

3.This case has checkered history and has been listed on so many hearings. However, when the matter came up for hearing today, there is no representation on behalf of the respondent either in person or through any counsel.

4.The learned counsel appearing for the petitioner would produce a typed set of papers, whereunder, it is seen that the respondent viz., M.D.M.Sheela Priyadharshini got married to a third party viz., T.Rajesh and a copy of the invitation is produced before this Court along with other



photographs which were taken on the marriage occasion. The marriage photo is also produced. When these materials are produced against the respondent, the respondent has not appeared and refuted the contentions. If the respondent had remarried, when the proceedings of D.V.C are pending without even getting divorce, certainly conducting the DVC proceedings in D.V.C.No.28 of 2021 even after the same, would amount to abuse of process of law, on that ground the civil Revision petition is liable to be allowed.

5.In view thereof, the Civil Revision petition shall stand allowed and D.V.C.No.28 of 2021 on the file of the Judicial Magistrate No.I, Kuzhithurai, Kanyakumari, is struck off the file. No costs. Consequently, connected miscellaneous petitions are closed.

08.07.2024

NCC:Yes/No
Ns

To
1.The Judicial Magistrate No.1,
Kuzhithurai,
Kanyakumari District.



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D.BHARATHA CHAKRAVARTHY, J.

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