



C.RP(MD)No.1716 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 31.07.2024

CORAM

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

**C.R.P(MD)No.1716 of 2024
and
C.M.P(MD).Nos.9963 and 9964 of 2024**

Felin Christopher

... Petitioner

Vs.

1.L.Mary Rahisha
2.Melodious Christopher
3.Mary Edel Queen

...Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and to strike off the domestic violent application in D.V.C.No.12 of 2024 on the file of the Judicial Magistrate No.I, Thoothukudi.

For Petitioner

:Mr.G.Anto Prince



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ORDER

This civil revision petition is filed to strike off the petition in DVC.No.12 of 2024 on the file of the learned Judicial Magistrate No.I, Thoothukudi.

2. Heard Mr.G.Anto Prince, learned counsel appearing on behalf of the petitioner.

3. A perusal of the grounds of the civil revision petition and upon hearing the arguments of the learned counsel for the petitioner, it can be seen that the contention of the petitioner/ husband is that this is not a case for domestic violence at all. As a matter of fact, pleading impotency, already divorce application has been filed. Absolutely, no grounds exist for the respondent/ wife to file a domestic violence case. Further details are also pleaded. A perusal of the same, it can be seen that it is in the nature of the defence in respect of the domestic violence and only after hearing the petitioner/ husband, it can be decided that the petition itself is frivolous or abuse of process of law. Therefore, when the case requires the Court to hear the version of the both and then decide the matter, then that cannot be a case



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for entertaining a petition for striking off the petition directly by this Court.

Therefore, leaving open for the petitioner to raise all the grounds before the trial Court itself, this Civil Revision Petition is disposed of.

4. Considering the fact that the petitioner is residing at Nagercoil and in view of the difficulties expressed by the learned counsel for the petitioner, the trial Court shall consider dispensing with the petitioner's presence in respect of formal hearings, except the necessary hearings, such as counseling, mediation or examination of witness, etc.

No costs. Consequently, connected Miscellaneous Petitions are closed.

31.07.2024

NCC:Yes/No
Index:Yes/No
Rmk

To
The Judicial Magistrate No.I, Thoothukudi.



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

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