



C.R.P(MD)No.1631 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.1631 of 2024

1.C.Karthikeyan
2.R.Chandrasekaran
3.C.Akilandeswari

... Petitioners /
Petitioners /
Respondents

Vs.

1.R.Ambritha
2.Minor K.Dhanivika
(Minor represented by the
mother and natural guardian
1st respondent)

...Respondents /
Respondents /
Complainant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Additional Mahila Court (Judicial Magistrate, Madurai) to number the above CMP Sr No.5010 of 2024 on the file and dispose the same in accordance with law and thus render justice.

For Petitioners : Mr.B.Jameelarasu

For Respondents : Mr.B.N.Raja Mohamed



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ORDER

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Heard both sides.

2.The revision petitioners herein are figuring as respondents in D.V.C.No.18 of 2021 on the file of the learned Additional Mahila Court (Judicial Magistrate, Madurai). They filed petition before the Court below for rejection of the complaint on the ground that it does not disclose cause of action. The petitioners cited Order VII Rule 11 of CPC. The Court below returned the petition on the ground that Order VII Rule 11 of CPC cannot be invoked in DVC cases. Challenging the return, the present Civil Revision Petition has been filed.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds and called upon this Court to direct the Court below to number the petition filed by the petitioners and dispose of the same in accordance with law.

4.The learned counsel appearing for the respondents submitted that the stand taken by the trial Court is well founded.



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5.I carefully considered the rival contentions. There is no need to quibble on what provision to cite. The Hon'ble Full Bench in a decision reported in **2022 (3) MWN (CR.) 539 (Arul Daniel & Others Vs Suganya & Others)** held that any aggrieved respondent can apply to the Court concerned for deleting his or her name from the array of parties. Instead of invoking Order VII Rule 11 of CPC, the petitioners can simply ask for deletion of their names from the array of parties. In the body of the petition, the petitioners can very well contend that the complaint filed by the respondents does not have any cause of action. Since the Hon'ble Full Bench has permitted filing of such petitions, the trial Magistrate would be obliged to number the same.

6.Granted liberty to the petitioners to workout their rights as indicated in the aforesaid Full Bench decision, this Criminal Revision Petition is disposed of. There shall be no order as to costs.

14.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 19.08.2024.

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G.R.SWAMINATHAN, J.

MGA

To

The Additional Mahila Court (Judicial Magistrate, Madurai).

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