



C.R.P.(MD)No.1956 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1956 of 2024

and

C.M.P.(MD)Nos.11121 and 11122 of 2024

1.Kanakam

2.Sujidha

... Petitioners 1 & 2/Respondents 2 & 3

3.Franklin

4.Jegan

5.Geetha

6.Padma

7.Subash

8.Chenika Mercy

9.Calvin Siju

... Petitioners 3 to 9/Respondents 5 to 11

Vs.

1.Sumitha

... 1st Respondent/Petitioner

2.Bright

3.Merlin

... Respondents 2 & 3/Respondents 1 & 4

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike of the case in DVC Case No.3 of 2022 in respect of the petitioners who were arrayed as respondents pending on the file of the Learned Judicial Magistrate Court, Boothapandi, Kanyakumari District.



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For Petitioners : Mr.B.Micheal Sebastin

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ORDER

Heard the learned counsel appearing for the petitioners.

2.The petitioners herein and the second respondent are on the same page.

This civil revision petition has been filed against the proceedings in DVC No.3 of 2022 on the file of the learned District Munsif Cum Judicial Magistrate, Boothapandy. The petition has been filed under various provisions of the Protection of Women from Domestic Violence Act, 2005. The learned counsel for the petitioners draws my attention to the decision of the Hon'ble Full Bench rendered on 17.11.2022 in Crl OP Sr Nos.31852 of 2022 etc batch.

3.Adopting the approach indicated by the Hon'ble Full Bench, I dispose of this civil revision petition in the following manner:

(i) If the petitioners and the second respondent are having any grievance that they have been unnecessarily added as parties to the proceedings, it is open to them to file an application before the concerned court to delete their names and if any such application is filed, the concerned court shall decide the same, as



per the decision of the Hon'ble Supreme Court in Kunapareddy v. Kunapareddy Swarna Kumari, reported in (2016) 11 SCC 774.

(ii) If the petitioners and the second respondent are represented through a counsel, the concerned court shall not insist on the personal appearance of the petitioners and the second respondent. However, the petitioners and the second respondent shall appear before the Court as and when their presence is required by the Court.

(iii) The concerned court is directed to dispose of D.V.C No.3 of 2022 as expeditiously as possible preferably within a period of five months from the date of receipt of a copy of this order.”

4. Accordingly, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

21.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

The District Munsif Cum Judicial Magistrate,
Boothapandi, Kanyakumari District.



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G.R.SWAMINATHAN, J.

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