



C.R.P.(MD)No.2007 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.2007 of 2024

1.Wesley Daniel
2.Victory
3.Ravichandran

... Petitioners

Vs.

A.Tonia Sabatini

... Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, against the order dated 20.11.2023, passed in Crl.A.No.150 of 2023 on the file of the Principal District Sessions Judge at Thanjavur.

For Petitioners : Mr.L.K.Charles Alexander
For Respondent : Mr.S.C.Herold Singh

ORDER

The present civil revision petition is filed by the respondents in DVC case against the order dated 20.11.2023, passed in Crl.A.No.150 of 2023 on the file of the Principal District Sessions Judge at Thanjavur.



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2. The 1st appellant is the husband of the respondent. The 2nd petitioner is the mother-in-law of the respondent and the 3rd petitioner is the father-in-law of the respondent. The respondent herein had filed the DVC No.45 of 2021 for return of gold, diamond jewels and other articles, for compensation, rent and return of marriage expenses and other expenses and the same was allowed. Aggrieved over the same the appellants herein had preferred criminal appeal in CrI.A.No.150 of 2023 and the criminal appeal was allowed on condition to pay Rs.1,00,000/- to the wife on or before 17.11.2023 and to produce a memo, failing which the criminal appeal would be dismissed.

3. The contention of the revision petitioners is that there are several proceedings pending between the parties. In such circumstances, it is highly injustice to direct the revision petitioners to pay Rs.1,00,000/- to the wife. Hence challenging the same the present civil revision petition is filed.



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4. This Court is of the considered opinion if the amount is deposited rather than paying it to the petitioners that would meet the ends of justice. Therefore, at the admission stage itself, this Court directed the revision petitioners to deposit Rs.1,00,000/- on or before 11.09.2024 before the Lower Court. The said amount is deposited and the order is complied with. Therefore, this Court is allowing the present civil revision petition. Consequently, the criminal appeal is allowed. The matter is remitted back to the Judicial Magistrate, Additional Mahila Court (Magistrate Level), Thanjavur, in DVC.No.45 of 2021. The said Court shall take the case on file and hear the matter, as per law.

5. With the above said directions, the civil revision petition is allowed. No costs.

23.10.2024

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

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To:

- 1.Judicial Magistrate, Additional Mahila Court
(Magistrate Level), Thanjavur
- 2.Principal District Sessions Judge,
Thanjavur.
- 3.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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