



C.R.P. (MD) No. 1038 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2024

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

C.R.P. (MD) No. 1038 of 2024

N.Azarudeen

... Petitioner

-VS-

1.Benazir
2.Minor Mohammed Hamsa
3.Johnma Beevi

Nizamudeen (died)

... Respondents

*[Minor is represented by the First Respondent
as natural legal guardian]*

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Judicial Magisterial I, Sivakasi, Virudhunagar to dispose of the Petition in Cr.M.P. No. 4955 of 2023 in D.V.C. No. 01 of 2020 within a specific period.

For Petitioner : Mr. KA. Ramakrishnan

ORDER

Heard Mr. KA.Ramakrishnan, Learned Counsel for the Petitioner and perused the materials placed on record, apart from the pleadings of the parties.



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2. This Civil Revision Petition invoking under Article 227 of the Constitution of India has been filed to direct the Judicial Magistrate No.1, Sivakasi, Virudhunagar District (hereinafter referred to as 'the Trial Court' for short), to dispose the petition in Cr.M.P. No. 4955 of 2023 in D.V.C. No. 01 of 2020, within a specific period.

3. This Court, during earlier hearing on 05.04.2024, had passed the following order:-

“2. The Judicial Magistrate I, Sivakasi, Virudhunagar District, shall send the scanned/digitized/photocopy of the entire records in D.V.C. No. 01 of 2020 including Cr.M.P. No. 4955 of 2023 to this Court, in terms of the Circular in R.O.C. No. 27484/2018/F1 dated 18.06.2018 issued by the Registry of this Court, immediately and shall also inform as to whether there is any impediment for conducting further proceedings in D.V.C. No. 01 of 2020 and if so, shall state the reasons for the same, before next hearing.”



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4. In response, the Trial Court has sent a report dated 12.04.2024, which reads as follows:-

“I most humbly submit that, the DVC. No. 1 of 2020 on the file of the Judicial Magistrate No.1, Sivakasi has been disposed on 30.06.2022. After that Respondents filed petition under Section 25(2) of DV Act to revoke the Ex-party order along with the petition under Section 5 of Limitation Act to condone the delay of 329 days. Section 5 of Limitation Act petition numbered as Cr.MP.No. 4955 of 2023.

I further humbly submit that the Second Respondent alone filed petition under Section 205 of CrPC in Cr.MP.No. 4954 of 2023. As per reference No.3 the Hon'ble High Court directed to dispose the Cr.MP.No. 4954 of 2023 within a period of one month. The same has been complied by this Court and disposed the Cr.MP.No. 44954 of 2023. Further I humbly submit that the petition under Section 5 of Limitation Act in Cr.MP.No. 4956 of 2023 this Court passed conditional order on 21.03.2024 directing the petitioners to pay cost of Rs.5000/- to the Respondents on or before 22.04.2024 and



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posted on 22.04.2024 for compliance. After disposing the Cr.MP.No. 4956 of 2023 there is no impediment for conducting further proceedings in pending Cr.MP.No. 4955 of 2023. ”

5. In view of the same, nothing remains for further consideration in this Civil Revision Petition. It is expected that the Trial Court would proceed with the conduct of the case in accordance with law without brooking any delay and send quarterly reports showing its progress to the Registrar (Judicial) of this Court till passing of final order.

In the result, the Civil Revision Petition is disposed with the aforesaid observations. No costs.

15.04.2024

Index : Yes/No
Internet : Yes/No
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Note: Issue order copy by 25.04.2024.



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To

1. The Judicial Magistrate No.1,
Sivakasi Virudhunagar District.

2. The Registrar (Judicial),
The Madurai Bench of Madras High Court,
Madurai.



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P.D. AUDIKESAVALU, J.

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