



C.R.P(MD)No.3398 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

C.R.P(MD)No.3398 of 2023
and
C.M.P(MD)No.17550 of 2023

Kaviraj S. Rajkumar

...Petitioner

Vs.

Shanthi

....Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the impugned petition which was refused and returned on 20.10.2021 in D.V.O.P.No.6 of 2021 on the file of the learned Judicial Magistrate Court, Saathankulam, Thoothukudi District and to direct the learned Judicial Magistrate Court, Saathankulam to number the impugned petition and to dealt with according to law.

For Petitioner : Mr. S.R.Anbarasu



C.R.P(MD)No.3398 of 2023

WEB COPY

ORDER

This Civil Revision Petition is filed to call for the records pertaining to the impugned petition which was refused and returned on 20.10.2021 in D.V.O.P.No.6 of 2021 on the file of the learned Judicial Magistrate Court, Saathankulam, Thoothukudi District and to direct the learned Judicial Magistrate Court, Saathankulam to number the impugned petition and to dispose of the same in accordance with law.

2. This Civil Revision Petition has been filed expressing the grievance over the non entertainment of the petition filed by the petitioner under Order 32 Rule 15 of C.P.C and under Section 28(2) of DV Act. A report was called for from the learned Judicial Magistrate, Sathankulam, as to the record of proceedings. A detailed proceedings is submitted wherein it reads as under:



C.R.P(MD)No.3398 of 2023

WEB COPY

"The Respondent / Husband Kaviraj S.Rajkumar, not appeared before this Court even for a single hearing. On every hearing he appeared through his counsel. The petitioner Kaviraj S.Rajkumar is the Advocate belongs to the Bar Association, Sathankulam. Since, no stay order is pending, this Court posted the case for Assets and Liabilities report and counter of Respondent / Kaviraj S.Rajkumar, hence the said Petitioner / Kaviraj S.Rajkumar filed the petition for medical examination of his wife Shanthi without any Medical Certificate or any other documents. Petitioner is appearing before this Court for every hearing and she is answering whatever the details asked by this Court. Respondent not appeared before this Court even for single hearing and filed the petition for medical examination without any medical certificate or proof, hence this Court returned the petition filed for Medical Examination of Shanthi, W/o. Kaviraj S.Rajkumar. "

3. Eventhough the reason stated by the trial Court is not proper for the non-entertainment of the petition, there shall be a direction to



C.R.P(MD)No.3398 of 2023

WEB COPY

the learned Judicial Magistrate, Sathankulam, to receive the petition to be presented by the petitioner and dispose of the same on its own merits.

4. With the above direction, this Civil Revision Petition is disposed of. No costs. Connected miscellaneous petition stands closed.

20.02.2024

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

pnn

Note: Let the original petition be returned to the petitioner by the Registry, for further action.

To

- 1.The Judicial Magistrate, Sathankulam.
- 2.The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



C.R.P(MD)No.3398 of 2023

G. ILANGO VAN, J.

pnn

C.R.P(MD)No.3398 of 2023
and
C.M.P(MD)No.17550 of 2023

20.02.2024