



CRP.No.677 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CRP.No.677 of 2024
and
CMP.No.3424 of 2024

1. T.Nallakumar

N.Thirupathi (Died)

2. K.Mani

...Petitioners

Vs.

S.Saranya

...Respondent

Civil Revision Petition filed under Article 227 of Constitution of India, seeking to set aside the DVOP.No.7 of 2018 on the file of the Judicial Magistrate, Rasipuram insofar as petitioners.

For Petitioners : Mr.A.Sundaravadanan
for Mr.R.Singaravelu

For Respondent : No Appearance



CRP.No.677 of 2024

WEB COPY

ORDER

The petitioners have come up with this revision petition seeking to set aside the DVOP.No.7 of 2018 on the file of the Judicial Magistrate, Rasipuram.

2. Despite service of notice, the respondent has neither chosen to appear through counsel nor in person. Hence, the respondent is called and set exparte.

3. I have heard the learned counsel for the petitioners and I have also perused the materials available on record.

4. Learned counsel for the petitioners would invite my attention to the fact that the Domestic Violence case has been filed in the year 2018 and subsequently, the 1st petitioner/husband filed HMOP.No.51 of 2019 before the Subordinate Court, Rasipuram seeking restitution of conjugal rights and the respondent has also moved the Subordinate Court, Rasipuram in HMOP.No.19 of 2020 for dissolution of marriage under



CRP.No.677 of 2024

WEB COPY

Section 13(1)(i-a) and 13(1)(i-b) of the Hindu Marriage Act, 1955.

5. I am able to see that the said HMOP.No.19 of 2020 filed by the respondent/wife has been subsequently dismissed for default on 09.11.2021. It is further submitted by the learned counsel for the petitioners that subsequently, the 1st petitioner/husband has sought for dissolution of marriage in HMOP.No.14 of 2023 before the Subordinate Court, Rasipuram and on 11.12.2024, the said OP was ordered, dissolving the marriage between the 1st petitioner and the respondent.

6. It is seen that the said OP was contested by the respondent herein and according to the learned counsel for the petitioners, there is no appeal preferred against the said order till date. Further, it is also brought to my notice that, subsequently, the respondent/wife got remarried and she is living in the new matrimonial home. It is also submitted by the learned counsel for the petitioners that the respondent is also not prosecuting the Domestic Violence Complaint which was filed way back in the year 2018.



CRP.No.677 of 2024

WEB COPY

7. It is seen that the respondent has chosen to move on in life and even before this Court, the respondent has not chosen to enter appearance to contest the present revision petition.

8. In view of the subsequent development and also that the claims that have been made in the Domestic Violence Complaint in the year 2018 are pertaining only to maintenance and residence of the respondent/ wife, which no longer subsists, I am inclined to allow this revision and accordingly, this Civil Revision petition stands allowed and the DVOP.No.7 of 2018 on the file of the Judicial Magistrate, Rasipuram is struck off. No costs. Consequently, the connected Miscellaneous petition is closed.

23.07.2025

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Index	: Yes / No
Speaking order	: Yes / No
NCC	: Yes / No

To

Page No.4 of 6



CRP.No.677 of 2024

WEB COPY The Judicial Magistrate,
Rasipuram.

P.B. BALAJI, J.

skt



WEB COPY



CRP.No.677 of 2024

CRP.No.677 of 2024
and
CMP.No.3424 of 2024

23.07.2025