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C.R.P.No.1002 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

C.R.P.No.1002 of 2025

and

C.M.P.No.5716 of 2025

Srikkanth

... Petitioner

Vs.

Anupama

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to call for the records in D.V.C.No.11 of 2023 on the file of the Additional Mahila Court, Judicial Magistrate Level at Alandur and quash the same.

For Petitioner : Mr.A.Kumanaraja

For Respondent : Mr.S.R.R.Raghavan

ORDER

The present Civil Revision Petition has been filed by the petitioner/husband challenging the proceedings initiated against him by



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the respondent/wife in D.V.C.No.11 of 2023 on the file of the learned

Additional Mahila Court, Alandur.

2. Heard the learned counsel appearing for the parties.

3. Learned counsel for the petitioner taking me through the complaint would state that absolutely no allegation warranting initiation of proceedings under the Domestic Violence Act, 2005 and further, the allegations have also been made against the petitioner/husband as well as the relatives belatedly. Further, he would stated that the marriage between the petitioner and the respondent was solemnized in the year 2020 and they lived together for about three years and thereafter, the respondent/wife voluntarily moved out of the matrimonial house and set up a house at Chennai and according to the learned counsel for the petitioner, the respondent has thereafter re-located to Coimbatore and, chosen to file a complaint as against the husband, & also against the relatives.

4. Per contra, learned counsel for the respondent would stated that the petitioner is now residing in the outskirts of Chennai, ie.,



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Adambakkam and he further submits that the question of limitation does not arise in the present case and moreover, the Hon'ble Supreme Court held that in DVC proceedings, there is no period of limitation that can be fixed to restrict the wife to lodge a complaint under the provisions of DVC Act. Further, the petitioner has been set *ex-parte* before the Trial Court for not filing the affidavit of assets and thereafter, 17 hearings have been taken place and the respondent/wife has also been examined and additional documents have also been filed.

5. When the Court is on the verge of passing an order, an application to set aside the *ex-parte* order has also been filed which is pending because of the stay granted in this revision.

6. Considering the fact that the allegations have been made by the respondent will have to be tried and proved through evidence and a fair opportunity should also to be granted to the petitioner to rebut the same by permitting cross-examination and disprove the allegations being made against him, it is fair and proper that the *ex-parte* order is set aside and the petitioner is permitted to file the affidavit of assets and liabilities within a period of four (4) weeks from the date of receipt of a copy of



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this order. Thereafter, the Trial Court shall permit cross-examination of the respondent/wife on the side of the petitioner/husband and also the relatives, who were also cited as respondents 2 to 4 in the DVC complaint and the Trial Court shall endeavour to dispose of the complaint, on merits and in accordance with law within a period of six (6) months thereafter.

7. With the above observations and directions, this Civil Revision Petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

The Additional Mahila Court, Judicial Magistrate Level at Alandur.



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P.B. BALAJI, J.

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