



WEB COPY



CRP.No.2060 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.2060 of 2025 and
CMP.No.11993 of 2025

D.Santhanakrishnan

... Petitioner

Vs.

G.S.Harinadhevi

...Respondent

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the order dated 26.02.2025 passed in I.A.No.9 of 2024 in I.A.Nos.3 to 6 of 2023 in O.P.No.3082 of 2022 on the file of the III Additional Principal Family Court, Chennai.

For Petitioner : Mr.C.P.Prasanth Gopal

For Respondent : M/s.Shivani Kalingarayar A.C

ORDER

The Civil Revision Petition is filed challenging the order passed by the III Additional Principal Family Court, Chennai dismissing the application filed by the petitioner claiming right to cross examine the respondent in respect of the relief sought for in I.A.Nos.3 to 6 of 2023.



2. The petitioner herein filed a petition seeking divorce in O.P.No.3082 of 2022. The respondent/wife on her part filed four applications in I.A.Nos.3 to 6 of 2023 seeking various reliefs under Protection of Women from Domestic Violence Act, 2005 like the protection order, return of articles, compensation as well as interim maintenance. In the affidavit filed in support of I.A.Nos.3 to 6 of 2023, various allegations were made against the petitioner including incidence of domestic violence. The petitioner herein filed common counter to those four applications and denied various allegations made by wife including the domestic violence.

3. In such circumstances, it is desirable to give right of cross examination to the petitioner. In Kunapareddy Vs. Kunapareddy Swarna Kumari and others reported in Manu/SC/0628/2016 = 2016(11) SCC 774, the Hon'ble Apex Court held complaints preferred under Section 12 of Domestic Violence Act, seeking reliefs under Section 18 to 22, are predominantly civil in nature and code of Civil Procedure is made applicable for the purpose of entertaining amendment application. Therefore, principles of recording of evidence as per Order XVIII Rule 4 of Code of Civil Procedure is applicable to



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proceedings under Domestic Violence Act. The provision of Bharatiya
Nagarik Suraksha Sanhita is applicable only in case of violation of order
passed by Magistrate and further proceedings are initiated based on such
violation. When principles of CPC or BNSS, as the case may be, is made
applicable to enquiry under Domestic Violence Act, the right of cross
examination shall be given to the rival party. Hence, the petitioner who is
arrayed as the respondent therein shall be given a right of cross examination.
Therefore, the impugned order passed by the Family Court is set aside and the
Civil Revision Petition stands allowed. No costs. Consequently, the connected
civil miscellaneous petition is closed.

10.12.2025

Index : Yes / No
Internet : Yes / No
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The III Additional Principal Family Court,
Chennai.



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