



CRP.No. 2402 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 10.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

Civil Revision Petition No. 2402 of 2023

and

CMP.No. 15032 of 2023

1.Hameed Sulthan (M/52)
S/o. Ismail,

2.Ismail (M/87)

3.Taslim Banu (F/42)
W/o. Hameed Sulthan

Revision petitioners 1 to 3
are residing at No. 21, Hajiya Street,
Thanjavur District,
Kumbakonam-612 001.

... Petitioners/Respondents

Versus

Noorjahan
No.6, Perumal Mela Street,
Kilvelur Taluk, Nagappatinam District
Nagapattinam-611 104.

...Respondent/Petitioner



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Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to call for the records of DVC.No. 2 of 2023 on the file of the District Munsif Cum Judicial Magistrate, Kilvelur.

For Petitioners : Mr.V. Shenaz

For Respondent : Mr.K.Rahul

For Ms.N.Vinodhini

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to call for the records of DVC.No. 2 of 2023 on the file of the District Munsif Cum Judicial Magistrate, Kilvelur.

2. The 1st revision petitioner and the respondent are the husband and wife respectively. The 2nd revision petitioner is the father of the 1st revision petitioner and 3rd revision petitioner is the second wife of 1st revision petitioner. The respondent herein/Complainant is the first wife of the 1st revision petitioner in D.V.C.No.2 of 2023. There is no dispute with regard to the relationship between the parties.



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3. At this juncture, this Court deems fit to cite the Full

WEB COPY Bench Judgment of this Court in *Arul Daniel -vs- Suganya*, reported in **2022 SCC Online Mad 5435**, wherein it was held that resorting to a revision petition under Article 227 of the Constitution of India to quash the domestic violence proceedings should not be made unless the Judicial Magistrate has no inherent jurisdiction to entertain the Domestic Violence Case.

4. Coming back to the case on hand, as stated *supra*, the domestic relationship between the parties is admitted. Hence, in view of the averments made in the complaint, this Court is of the view that the learned Magistrate has jurisdiction to entertain the case. Therefore, in view of *Arul Daniel's Case*, this Civil Revision Petition is not maintainable. The revision petitioners are at liberty to file an application before the learned Magistrate concerned and in such a scenario, the learned Magistrate shall decide the same on merits in accordance with law *dehors* this Order. If the said application is dismissed, the next remedy available to the revision petitioners is an appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005, and only against the Order passed therein, the revision petitioners can prefer a Civil



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Revision Petition by invoking Article 227 of the Constitution of India.

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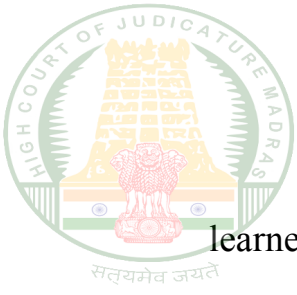
Hence, this Civil Revision Petition is liable to be dismissed.

5. That apart, the learned Counsel for the revision petitioners prayed this Court to direct the learned Magistrate to dispense with the personal appearance of the 2nd revision petitioner before the learned Magistrate considering his age.

5.1. The revision petitioners are at liberty to raise the said request before the learned Magistrate who is to consider the matter, bearing in mind the fact that the 2nd revision petitioner is the father of the first revision petitioner, who is aged about 89.

6. The learned Counsel for the respondent herein/ Complainant sought for a direction for time bound disposal of the case.

6.1. The Hon'ble Supreme Court in *High Court Bar Association, Allahabad -vs- State of U.P. [Neutral Citation : 2024 INSC 150]*, has held that Constitutional Courts shall issue directions for time bound disposal of case to other courts only in exceptional circumstances. In view of the same, this Court is not inclined to accept the request of the



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learned Counsel for the respondent herein/Complainant. However, considering the age of the 2nd revision petitioner, the learned Magistrate may dispose of the case in an expeditious manner and both parties are directed to co-operate with the learned Magistrate for the same.

7. With the above observations, the Civil Revision Petition is dismissed. In view of the facts and circumstances of this case, there shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

10.01.2025

MSM

To:

The District Munsif Cum Judicial Magistrate, Kilvelur.



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R. SAKTHIVEL, J.

MSM

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