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CRP.No.2055 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.2055 of 2025

& CMP.Nos.11975 and 11976 of 2025

1.Sugumaran

2.Rani

... Petitioners

Vs.

Jeevitha

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records relating to the D.V.C.No.35 of 2025 pending on the file of the Hon'ble Mahila Court, Puducherry and to strike off the same.

For Petitioner : Mr.V.S.Senthil Kumar

For Respondent : No appearance

ORDER

The Civil Revision Petition has been filed to call for the records relating to the D.V.C.No.35 of 2025 pending on the file of the Hon'ble Mahila Court, Puducherry and to strike off the same.



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2. The petitioners herein are the respondents 1 and 2 in DVC No.35 of 2025 before the Mahila Court, Puducherry. The respondent herein has filed the said DVC case before the Mahila Court, Puducherry alleging that the first respondent is her husband and the second respondent is the wife of the first respondent.

3. The respondent, despite being served in the above CRP and having engaged counsel and undertaking being given to enter appearance before this Court, till date there is no appearance for the respondent. Even today, there is no representation for the respondent.

4. Learned counsel for the petitioners invites my attention to the complaint made against the petitioners herein who are the husband and wife. Admittedly, even in the domestic violence complaint, the respondent has categorically stated that the first petitioner is the husband of the second petitioner. However, an allegation is made as if they are separately living and that, the first petitioner and the respondent have got married in the year 2006 at Thiruvannamalai Temple, Thiruvannamalai, Tamilnadu and they have been living as husband and wife for the past 18 years at Puducherry.



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5. It is the specific case of the petitioners that the petitioners are husband and wife, and are living together and the mother of the respondent is a tenant under the petitioners and when the tenant was asked to vacate, the respondent's mother physically assaulted the first petitioner and also lodged a complaint and First Information Report was registered on 08.12.2023. FIR copy is also enclosed in the typed set of papers. The learned counsel also states that the second petitioner, who is the owner of the premises, has filed a suit in O.S.No.25 of 2025 before the Additional Sub Court, Puducherry, seeking relief of recovery of possession from the respondent's mother, who is the tenant under the second petitioner. Even, in the said suit, the respondent's mother, despite having engaged a counsel, has not chosen to file written statement and the suit is now posted for taking exparte evidence. While so, all of a sudden, the respondent has approached the Police and lodged a complaint. According to petitioners, without any proof of marriage, the respondent has chosen to file the domestic violence complaint.

6. Learned counsel for the petitioners would also point out that though respondent has stated in the domestic violence complaint that she is

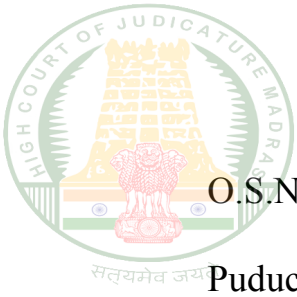


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living separately from her husband, it is brought to my notice that even as later in the year 2019, the respondent has been a beneficiary under the settlement deed dated 25.05.2019 in and by which, the husband has settled an immovable property in favour of the respondent. He would therefore contend that the domestic violence complaint is a gross abuse of process of law.

7. Heard the learned counsel for the petitioners. I have also gone through the domestic violence complaint as well as documents enclosed in the present revision by way of typed set of papers.

8. The respondent has not even able to *prima facie* establish that she is the lawfully wedded wife of the first petitioner. On the contrary, it is seen from the records that the respondent's mother is a tenant under the second petitioner, wife of the first petitioner and, after being called upon to vacate and handover possession, there has been physical abuse on the first petitioner which led to lodging of police complaint and also registration of FIR against the respondent's mother. Thereafter, the respondent's mother having not vacated the premises, the second petitioner also filed a suit in



O.S.No.25 of 2025, which is pending before the Additional Sub Judge,
Puducherry.

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9. I have gone through the FIR as well as the plaint in O.S.No.25 of 2025 and there is absolutely no indication about the relationship between the first petitioner and the respondent.

10. Though there is discrepancy in the name of the mother of the respondent, I find from the complaint filed under Section 12 of the Protection of Women from the Domestic violence, that there is an admission on the side of the respondent that the respondent's mother is in occupation of ground floor, based on a 'pokkiyam' for a sum of Rs. 1,50,000/- and continues to reside there. It is also stated that the respondent and her mother intended to purchase the property and in that regard, there was a quarrel between the parties, which led to a criminal case. In other words, the respondent has impliedly admitted the factum of the First Information Report having been registered against the respondent's mother. While that being the position, all of a sudden, it is not known as to how the respondent claims that she is the lawfully wedded wife of the first petitioner. There is

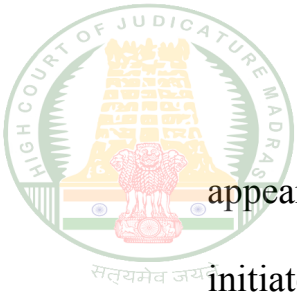


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no marriage certificate or marriage invitation copy also filed along with the domestic violence complaint. The only documents that are produced along with the domestic violence complaint are the Aadhar card and ration card of the respondent which also do not support the case of the respondent that the respondent is the wife of the first petitioner. The name of the husband in the Aadhar card reflects the name of Thirunavukarasu. Even in the ration card, the name of the head of the family is only mentioned as Thirunavukarasu. Therefore, there is absolutely not even a *prima facie* case made out to establish that the respondent is the lawfully wedded wife of the first petitioner.

11. The main submission of the learned counsel for the petitioner is that only in order to side track the issue of recovery of possession of the property, the present DVC complaint has been filed with malicious intention and ulterior motive.

12. I find that on the basis of the domestic violence complaint and the documents filed in support of the same, the respondent had not made out any case for the complaint to be taken on file. On the contrary, it



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appears to be only a counter blast to the eviction proceedings that has been initiated by the second petitioner, the land lord. In view of the above, I strike off the domestic violence complaint in D.V.C.No.35 of 2025 on the file of the Mahila Court, Puducherry.

13. Accordingly, the civil revision petition is allowed. No costs. Consequently connected miscellaneous petitions are closed.

04.07.2025

Speaking/Non-speaking : Yes/No
Index : Yes / No
msv

To
The Mahila Court, Puducherry



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P.B. BALAJI,J.

msv

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