



C.R.P.No.3489 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3489 of 2025
and
C.M.P.No.18930 of 2025

P.Kavya

... Petitioner

VS.

S.Vignesh

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for records in C.M.P.No.30231 of 2024 in C.M.P.No.16555 of 2024 in D.V.A.No.6 of 2023 on the file of the Special Court to try cases filed under Protection of Women from Domestic Violence Act, Coimbatore, by order dated 23.06.2025 and set aside in the said order dated 23.06.2025.

For Petitioner : M/s.T.Sudha Gandhi

For Respondent : Mr.M.Prakash



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ORDER

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The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the application filed by the petitioner seeking to condone the delay of 5 days in filing the application to restore C.M.P.No.16555 of 2024, which intun filed to restore the main domestic violence complaint in D.V.A.No.6 of 2023, which was dismissed for default.

2. The petitioner/wife filed a complaint under the provisions of Domestic Violence Act against the respondent and the same was dismissed for default on 26.03.2024. The petitioner filed C.M.P.No.16555 of 2024 to restore the complaint on 26.03.2024. The said restoration application was dismissed for default on 25.07.2024 as the petitioner failed to pay the process fee for taking notice to the respondent. Therefore, the instant application has been filed to restore C.M.P.No.16555 of 2024, which was dismissed for default on 25.07.2024. Since there was a delay in filing restoration application, the petitioner filed instant application seeking to condone the delay of 5 days in filing restoration application.



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3. The Trial Court dismissed the application on the ground that the petitioner failed to show any sufficient cause for delay in filing restoration application.

4. A perusal of the affidavit filed in support of the condone delay petition would indicate that at the relevant point of time, the petitioner was taking her MBA Degree Examination - July 2024 conducted by the Bharathiar University, Coimbatore and therefore, she could not contact her counsel and instruct her suitably. The hall ticket issued to the petitioner said to have been filed before the Court below. However, the same has not been taken into consideration by the learned Judicial Magistrate.

5. The certified copy of the hall ticket filed before the Court below is produced in the typed-set of papers. A perusal of the same would indicate the petitioner had MBA Degree examination from 18.07.2024 to 28.07.2024. Taking into consideration, the reasons stated by the petitioner and also the length of delay in filing restoration application, this Court is inclined to take liberal view and condone the delay of 5 days in filing restoration application. Accordingly, the impugned order is set aside and the C.M.P.No.30231 of 2024 is allowed.



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6. The learned Judicial Magistrate, Special Court to try cases filed under Protection of Women from Domestic Violence Act, Coimbatore, is directed to take up the petition filed by the petitioner seeking to restore the C.M.P.No.16555 of 2024 and dispose it of on its own merits, as expeditiously as possible.

7. In the result, the Civil Revision Petition is allowed. No costs. Consequently, the connected civil miscellaneous petition is closed.

19.12.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

The Judicial Magistrate,
Special Court to try cases filed under Protection of Women
from Domestic Violence Act, Coimbatore.



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S.SOUNTHAR, J.

dm

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