



CRP No.3396 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.3396 of 2023 and CMP No.21073 of 2023

1.R.Vanniyan
2.R,Mohan

... Petitioners

Vs.

Thangavasuki

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 25.04.2023 passed in C.A.No.134 of 2021 by confirming the order dated 31.03.2021 passed in DVC No.25 of 2014 by the learned XV Metropolitan Magistrate, George Town, Chennai.

For Petitioners : Mr.R.Venkata Varathan

For Respondent : No appearance



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ORDER

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The petitioners are the brothers-in-laws of the respondent. The brother by name Suresh of the petitioners married the respondent. However, the said Suresh died and domestic violence proceedings were initiated against the petitioners. The petitioners suffered an order in DVC No.25 of 2014 on the file of XV Metropolitan Magistrate, George Town, Chennai, in and by order dated 31.03.2021. The petitioners challenged the same in C.A.No.134 of 2021 before V Additional Sessions Judge, Chennai. The said Criminal Appeal, after contest, was partly allowed entitling the respondent/wife to share household right in the portion of the property, in which she was residing prior to the filing of the petition, at the time of vacating the property; to get back the auto bearing Reg No.TN-72-AF-1998 and the RC Book pertaining to the said auto; not to alienate the share of household property; take steps to pay a sum of Rs.17,000/-(Rupees Seventeen Thousand Only) as solatium for the benefit of the minor son of the respondent and the deceased Suresh; hand over the mobile phone of the husband of the respondent and to return back the LIC policy bond to the respondent/wife.



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2. The revision was taken on file before this Court on 15.09.2023 and notice was ordered to the respondent. Despite several attempts to serve the respondent, the respondent did not choose to appear and thereafter, pursuant to an order dated 29.04.2025, the petitioners have effected paper publication in one issue of “Malai Malar”, Trichy Edition dated 06.06.2025. Despite paper publication, the respondent has not chosen to appear either in person or through counsel. The respondent is called absent and is set exparte.

3. Learned counsel for the petitioners would invite my attention to the additional typed set of papers which evidences the fact that the respondent has re-married, pursuant to the demise of the brother of the petitioners viz., Suresh and it is probably the reason why, the respondent has not chosen to contest the proceedings, despite obtaining favourable orders in the DVC proceedings. The respondent does not want anything to do with the earlier marriage especially considering that the husband of the respondent has already passed away.

4. In the light of the above and also taking into account the subsequent events, the order passed by V Additional Sessions Judge, City Civil Court,

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P.B.BALAJI.,J

sr

Chennai in C.A.No.134 of 2021 is set aside.

5. Accordingly, C.A.No.134 of 2021 dated 25.04.2023 passed by the learned V Additional Sessions Judge, City Civil Court, Chennai is set aside and the civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

16.12.2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. V Additional City Civil Court, Chennai

2. The XV Metropolitan Magistrate, George Town, Chennai

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