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CRP No. 6569 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6569 of 2025 and
CMP.No.32458 of 2025**

R.Janani

Petitioner

Vs

P.Elangovan

Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the Order made in CMP No. 604 of 2025 in DVC No. 17 of 2025 dated 07.11.2025 on the file of Judicial Magistrate, Additional Mahila Court, Alandur.

For Petitioner(s): Mr.J.Chandran
 for Mr.S.P.Yuaraj

ORDER

The Civil Revision petition is filed challenging the order passed by the learned Magistrate (Additional Mahila Court, Alandur) granting visitation rights in favour of respondent/husband.

2. The Full Bench of this Court in the case of *Arul Daniel and Others*



Versus Suganya reported in (2022) SCC Online Mad 5435 held that any person aggrieved by the process issued by the Magistrate can go before the very same Magistrate and raise preliminary objections with regard to the issues like existence of a shared household/ domestic relationship etc., If any order is passed, the aggrieved person can also take recourse to an appeal under Section 29 of the Domestic Violence Act. The relevant portion reads as follows:-

87(vii). *As there is no issuance of process as contemplated under Section 204, Cr.P.C. in a proceeding under the D.V. Act, the principle laid down in Adalat Prasad v. Rooplal Jindal ((2004) 7 SCC 338) that a process, under Section 204, Cr.P.C, once issued cannot be reviewed or recalled, will not apply to a proceeding under the D.V. Act. Consequently, it would be open to an aggrieved respondent (s) to approach the Magistrate and raise the issue of maintainability and other preliminary issues. Issues like the existence of a shared household/domestic relationship etc., which form the jurisdictional basis for entertaining an application under Section 12, can be determined as a preliminary issue, in appropriate cases. Any person aggrieved by such an order may also take recourse to an appeal under Section 29 of the D.V. Act for effective redress (See V.K. Vijayalekshmi Amma v. Bindu V., (2010) 87 AIC 367). This would stem the deluge of petitions challenging the maintainability of an application under Section 12 of the D.V. Act, at the threshold before this Court under Article 227 of the Constitution.*

3. In view of the availability of alternative remedy to the petitioner



before the Sessions Court under Section 29 of the Domestic Violence Act, this Court is not inclined to exercise supervisory power under Article 227 of the Constitution of India as held by the Hon'ble Apex Court in the case of ***Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society*** reported in ***MANU/SC/1365/2019***.

4. The order impugned in this revision is appealable one under Section 29 of the Domestic Violence Act. Therefore, this Court is not inclined to entertain this revision. Accordingly, the Civil Revision petition stands dismissed with liberty to the petitioner to file a regular appeal before the jurisdictional Sessions Judge.

5. The petitioner is entitled to exclude the time taken by him in prosecuting the revision before this court, i.e., from 17-12-2025 to the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

19-12-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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Note: Registry is directed to return the original impugned order to the learned counsel for the petitioner.

To



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The Judicial Magistrate, Additional Mahila Court, Alandur.

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S.SOUNTHAR J.
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