



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.201 of 2025
and
C.M.P.(MD).Nos.1280 & 1281 of 2025

1.Ganesan

2.Latha

3.Vignesh

4.Dr.Suganya

5.Dr.Varun

...Petitioners

Vs.

1.Sowbiya

2.Arshiv (Minor)
(represented by first respondent)

3.Dinesh

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to strike off the petition relating to the case in D.V.C.No.52 of 2024, on the file of the Judicial Magistrate Court, Uthamapalayam.

For Petitioners : Mr.Gandhi,
Senior Counsel
for M/s. Gandhi Associates
For R-1 & R-2 : Mr.R.Suriyanarayanan

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ORDER

This petition has been filed seeking orders to strike off the petition relating to the case in D.V.C.No.52 of 2024, on the file of the Judicial Magistrate Court, Uthamapalayam.

2. The petitioners herein are respondent Nos.2 to 6 in D.V.C.No.52 of 2024, before the trial Court. The respondent Nos.1 and 2 herein have filed D.V.C.No.52 of 2024, on the file of the Judicial Magistrate Court, Uthamapalayam, under the provisions of the Protection of Women from Domestic Violence Act, 2005.

3. The learned counsel appearing for the petitioners submits that the third respondent is the husband of the first respondent. The first petitioner is the father-in-law, the second petitioner is the mother-in-law, the third petitioner is the brother-in-law, the fourth petitioner is the sister-in-law of the first respondent. The fifth petitioner is the husband of the fourth petitioner. The first respondent has initiated domestic violence proceedings against them. It is submitted that the petitioners are in no way connected with the allegations made by the first respondent in the DVC case and though the third respondent is ready and willing to live with the first respondent, it is only the first respondent who is not coming to live with him and has initiated the present case. Therefore, he prays that the petitioners may be permitted to raise all the grounds mentioned



herein before the trial court. He also requests this Court to dispense with their personal appearance before the trial court.

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4. Learned counsel appearing for respondent Nos.1 and 2 submits that if this Court is inclined to dispense with the appearance of the petitioners, this Court may impose requisite conditions to see to it that the presence of the petitioners at the times, during which the presence of the petitioners is mandatory be safeguarded so that the petitioners does not frustrate the trial proceedings by dragging on the same to the detriment of the respondent Nos.1 and 2.

5. This Court, taking into consideration the submission made by the learned counsel for the petitioners, permits the petitioners to raise all the grounds as raised herein before the trial court at the time of trial. Taking into consideration the request made by the learned counsel for the petitioners, their appearance before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 230 of BNSS, framing of charges, questioning under Section 351 of BNSS and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct them to appear on those days. Considering the pendency of the case from 2024, the trial Court is directed to dispose of D.V.C.No.52 of 2024, as expeditiously as possible.



6. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions

WEB are closed.

10.07.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The Judicial Magistrate, Uthamapalayam.

2.The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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C.R.P.(PD)(MD)No.201 of 2



M.DHANDAPANI, J.

TSG

C.R.P.(PD)(MD)No.201 of 2025

10.07.2025