



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.149 of 2025

and

C.M.P.(MD).Nos.998 & 999 of 2025

A.Ganesan

...Petitioner

Vs.

1.Suji

2.Pranav Chezhiyan

(Being Minor the second respondent is represented through the first respondent mother / guardian)

3.G.Pon Thilakraj

4.G.Pon Rajeswaran

5.G.Pon Vishake Kumar

...Respondents

(No relief is sought for against the respondent Nos.3 to 5. Hence, notice to the above respondents may be dispensed with)

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.35 of 2023, on the file of the learned Judicial Magistrate II, Padmanabhapuram, sofaras the revision petitioner / 2nd respondent is concerned.

For Petitioner : Mr.N.Sathish Babu

For R-1 & R-2 : Mr.M.P.Senthil

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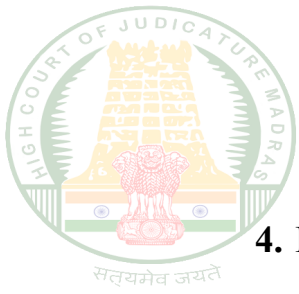


ORDER

This petition has been filed seeking orders to strike off the petition relating to the case in D.V.C.No.35 of 2023 on the file of the learned Judicial Magistrate II, Padmanabhapuram.

2. The petitioner herein is respondent No.2 in D.V.C.No.35 of 2023, before the trial Court. The respondent Nos.1 and 2 herein have filed D.V.C.No. 35 of 2023, before the learned Judicial Magistrate II, Padmanabhapuram, under the provisions of the Protection of Women from Domestic Violence Act, 2005.

3. The learned counsel appearing for the petitioner submits that the petitioner is the father-in-law of the first respondent. The first respondent has initiated domestic violence proceedings against him. The third respondent is the husband of the first respondent. The fourth and fifth respondents are the brothers of the third respondent. It is submitted that the petitioner is 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 petitioner may be permitted to raise all the grounds mentioned herein before the trial court. He also requests this Court to dispense with his personal appearance before the trial Court.



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

5. This Court, taking into consideration the submission made by the learned counsel for the petitioner, permits the petitioner 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 petitioner, his appearance before the trial Court is dispensed with except for his 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 petitioner is necessary, the trial court, at its wisdom, shall direct him to appear on those days. Considering the pendency of the case from 2023, the trial Court is directed to dispose of D.V.C.No.35 of 2023, 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 II,Padmanabhapuram.

2.The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

TSG

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