



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1283 of 2021

and

C.M.P.(MD)Nos.7420 & 7421 of 2021

1.Sudheer
2.Nirmala
3.Sadasivam

...Petitioners

Vs.

1.Priya
2.Minor Anuj
3.Minor Ariya

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to call for the records and strike off the proceeding / petition in D.V.C. No.06 of 2020, on the file of the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District, filed by the respondent herein.

For Petitioners : Mr.K.Veilmuthu

For Respondent No.1 : Mr.D.Dhana Chandra Prakash



ORDER

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This petition has been filed seeking to strike off the proceedings / petition in D.V.C. No.06 of 2020, on the file of the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District, filed by the respondent herein.

2.The first petitioner and the first respondent are husband and wife. Out of their wedlock they have two children. Due to some matrimonial dispute, the first respondent / wife filed D.V.C. No.06 of 2020, on the file of the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District.

3.Learned counsel appearing for the petitioners would submit that the present Civil Revision Petition has been filed solely on the ground that the first petitioner / husband belongs to Kerala State and the first respondent / wife belongs to Kanniyakumari District, whereas the DVC proceedings are initiated before the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District. Hence, the petitioners attack the DVC proceedings mainly on the ground of jurisdiction. Learned Counsel also requests this Court to dispense with their personal appearance before the trial court.

4.In view of the said submission 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 for their appearance on those days. However, liberty is granted to the petitioners to canvas the jurisdictional point before the trial court at the time of trial.

5. Accordingly, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

13.06.2025

Internet: Yes/No

Index: Yes/No

MR



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C.R.P.(MD)No.1283 of 2



To

- 1.The Judicial Magistrate No.II, Sivakasi,
Virudhunagar District.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.1283 of 2



M.DHANDAPANI, J.

MR

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