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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.618 of 2025

and

C.M.P(MD)No.3356 of 2025

1.J.Saroja
2.G.Rajalakshmi

...Petitioners/Petitioners 1 & 2/
Respondents 2 &3

Vs.

1.Akino
2.Minor Dhanyasri
(Through her guardian and mother 1st Respondent)

...Respondents 1 & 2/Respondent 1 & 2/
Aggrieved persons

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 27.12.2024 passed in Cr.MP.No.4064/2024 in D.V.O.P.No.13/2023 on the file of the Judicial Magistrate, Melur, in respect of the petitioners.

For Petitioners : Mr.Arun Kumaar

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ORDER

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The respondent Nos.2 and 3 in D.V.O.P.No.13 of 2023, on the file of the Judicial Magistrate Court, Melur, has filed the present revision petition challenging the order passed by the said Court in Crl.M.P.No.4064 of 2024.

2.A perusal of the records reveal that the revision petitioner herein have filed Crl.M.P.No.4064 of 2024 to strike off D.V.O.P.No.13 of 2023. This application has been dismissed by the learned Judicial Magistrate, Melur. Challenging the same, the present revision petition has been filed.

3.As against any order passed by the trial Court, an appeal lies to the Court of Sessions under Section 29 of the Protection of Women from Domestic Violence Act, 2005. Therefore, the present revision petition, filed without invoking the appellate authority is not maintainable.

4.Accordingly, this Civil Revision Petition stands disposed of with liberty to the petitioners to approach the competent appellate authority. No costs. Consequently, connected miscellaneous petition is also closed.



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5. Registry is directed to return the original impugned order after getting due acknowledgment from the learned Counsel appearing for the revision petitioners.

6. The time spent between 19.02.2025 and the date of receipt of copy of the order from this Court shall stand excluded for the purpose of calculating the limitation for filing an appeal before the competent authority.

19.03.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The learned Judicial Magistrate, Melur.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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