



C.R.P.(PD)(MD)No.971 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.971 of 2025

and

C.M.P(MD)No.5190 of 2025

1.Saratha
2.Manju
3.Kalaiselvan
4.Ramya

...Petitioners/Respondents Nos.2 to 5/
Respondent Nos.2 to 5

Vs.

Pradeepa

...Respondent/petitioner/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the entire records relating to the summon issued by the learned Judicial Magistrate, Tenkasi, in Cr.M.P.No.227 of 2025 in D.V.C.No.5 of 2024, and set aside the same with regard the petitioners are concerned.

For Petitioner : Mr.S.Sukumar

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ORDER

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The respondents in D.V.C.No.5 of 2024, on the file of the Judicial Magistrate Court, Tenkasi, have filed the present revision petition challenging notices issued by the Magistrate concerned.

2.The D.V.C.No.5 of 2024, has been disposed of on 09.12.2024, issuing various directions to the revision petitioners herein. Alleging violation of those orders, the wife has filed CrI.M.P.No.227 of 2025. In the said miscellaneous petition, the learned Judicial Magistrate, Tenkasi, has issued notice to the revision petitioners herein on 26.02.2025, directing them to appear before him on 24.03.2025. Challenging the said notice, the present revision petition has been filed.

3.According to the learned Counsel appearing for the revision petitioners, challenging the final orders passed in D.V.C.No.5 of 2024, they have already filed an appeal before the Principal District and Sessions Court, Tenkasi, in CrI.A.No.5 of 2025. Therefore, the present miscellaneous petition before the learned Judicial Magistrate, Tenkasi, should not have been entertained.

4.This Court is of the considered opinion that when an appeal has been presented before the competent appellate authority, it is for the petitioners to



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approach the said appellate authority to get an order of interim stay of the order passed in D.V.C.No.5 of 2024. After filing an appeal before the appellate authority, the petitioners cannot approach this Court seeking interim orders.

5.The learned Counsel appearing for the revision petitioners, on instructions, submits that they would approach the appellate authority seeking interim orders and seeks protection till such time.

6.In view of the above said submissions, all further proceedings in CrI.M.P.No.227 of 2025, in D.V.C.No.5 of 2024, shall be kept in abeyance till **16.04.2025**. In case, if no interim orders have been granted by the appellate authority, the learned Judicial Magistrate, Tenkasi, shall proceed in accordance with law.

7.With the above said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

24.03.2025

Internet:Yes/No
Index:Yes/No
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R.VIJAYAKUMAR, J.

RJR

To

The learned Judicial Magistrate,
Tenkasi.

Copy to:-

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

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