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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2025

CORAM:

THE HONOURABLE MRS JUSTICE S.SRIMATHY

W.P.(MD) No.15364 of 2025
and
W.M.P.(MD).No.11616 of 2025

1.S.Devi

2.Suyamburaj

... Petitioners

Vs.

1.The Protection Officer (Protection of Women
from Domestic Violence Act),
Tirunelveli,
Tirunelveli District.

2.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli.

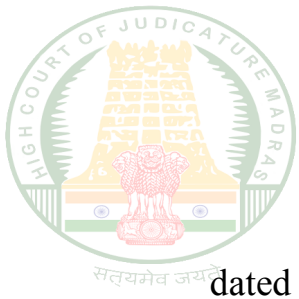
3.J.Lixio Leno

4.Jayden Adhipp

5.Shobha Kumari

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of declaration***, to declare the residential order passed by the Judicial Magistrate, Additional Mahila Court, Nagercoil, in CrI.M.P.No.100 of 2025, in D.V.C.No.30 of 2022



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dated 28.03.2025 in respect of the property of the first petitioner bearing Door No.48, RS No.87/1, Kulavanigapuram Village, Palayamkottai Taluk, Tirunelveli District admeasuring 14.5 cents in favour of the third respondent treating the same as her share hold house and in pursuance of the order, the forcible eviction carried out by the first and second respondents in the premises dated 14.05.2025 and handing over possession to the third respondent and her family members in the property as illegal, unconstitutional and violative of provisions of Protection of Women from Domestic Violence Act, 2005 and consequently direct the first and second respondents to vacate the third respondent and her family members from the premise and hand over the vacant possession in favour of the petitioners.

For Petitioners : Mr.C.K.M.Appaji
for M.K.Suresh

For Respondents : Mr.M.Lingadurai, (for R1)
Special Government Pleader
M/S.M.Aasha, (for R2)
Government Advocate
Mr.R.Murugan (for R3)
Mr.R.Sivakumar (for R4 & R5)

ORDER

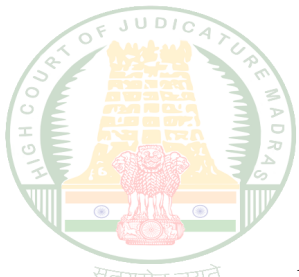
The present writ petition has been filed to declare the residential order passed by the Judicial Magistrate, Additional Mahila Court, Nagercoil, in CrI.M.P.No.100 of 2025, in D.V.C.No.30 of 2022 dated



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28.03.2025 in respect of the property of the first petitioner bearing Door No.48, RS No.87/1, Kulavanigapuram Village, Palayamkottai Taluk, Tirunelveli District admeasuring 14.5 cents in favour of the third respondent treating the same as her share hold house and in pursuance of the order, the forcible eviction carried out by the first and second respondents in the premises dated 14.05.2025 and handing over possession to the third respondent and her family members in the property as illegal, unconstitutional and violative of provisions of Protection of Women from Domestic Violence Act, 2005 and consequently direct the first and second respondents to vacate the third respondent and her family members from the premise and hand over the vacant possession in favour of the petitioners.

2. Heard Mr.C.K.M.Appaji, the Learned Counsel for M.K.Suresh, for the petitioner, Mr.M.Lingadurai, the learned Special Government Pleader for the first respondent, M/S.M.Aasha, the learned Government Advocate for the second respondent, Mr.R.Murugan, learned counsel for the third respondent and Mr.R.Sivakumar, learned counsel appearing for the respondents 4 and 5 and perused the material documents available on



record.
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3. It is seen from the records that there is a rival claim between the petitioners and private respondents 3 to 5. The case of the petitioner is that the first respondent has purchased a house property bearing Door No.48, NGO B Colony, perumalpuram, comprised in S.No.871/1, T.S.No. 5, Kulavanigapuram Village, Palayamkottai Taluk, Ward BM, Kulavanigapuram Part-3, Tirunelveli Corporation, admeasuring 14.21 cents together with the buildup portion admeasuring 1683 sq.ft., from the respondents 4 and 5 through power of attorney K.Vijayesekar for a valuable consideration of Rs.80,00,000/- by a registered sale deed in Doc.No.9830 of 2023 on the file of the Sub Registrar, Melapalayam, Tirunelveli. Thereafter, the first petitioner is in possession and occupation of the house property. Thereafter, on 01.02.2024, the first petitioner let her house property to the second petitioner for running a Health Clinic and the monthly rent was fixed as Rs.45,000/-.

4. The marriage life between the respondents 3 and 4 had become incompatible and dispute arose between them, and hence, the third



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respondent herein filed Divorce Petition in IDOP No. 299 of 2022 on the file of the Family Court, Nagercoil to dissolve their marriage dated 22.11.2019. The third respondent also filed a complaint in DVC.No. 30 of 2022 on the file of the Additional Mahila Court, (Magistratal Level), Nagercoil seeking protection from Domestic Violence, return of jewels and the marriage expenditures and compensation against the fourth Respondent, his father Late Ravi Raj, his mother 5th Respondent and the relatives namely Jayashree, Jayaprakash and Kumar. The fourth respondent's father died on 10.12.2022. While so, the third respondent filed a petition in Crl.M.P.No.100 of 2025, in D.V.C.No.30 of 2022 and the same was allowed granting residential order in favour of the third respondent without affording opportunity to the first petitioner. On the strength of the order dated 14.05.2025, in Crl.M.P.No.100 of 2025, in D.V.C.No.30 of 2022, the respondents 1 and 2 forcibly vacated the second petitioner/tenant from the first petitioner's house. Hence, the present writ petition has been filed.

5. During the pendency of this writ petition, the parties have entered into a compromise and the said compromise shall form part of



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the order and the same is extracted hereunder:

COMPROMISE DEED

This deed of compromise is entered at Madurai this the 10th day of July, 2025

WHEREAS the 4th Respondent Jayden Adhip is the husband of the 3rd Respondent J.Lixio Leno and their marriage was solemnized on 22-11-2019 at St. Xavier Church, Kottar, Nagercoil as per Christian method.

WHEREAS the marriage life between the 3rd and 4th respondents have become incompatible and their arose dispute between them, the 3rd Respondent herein filed Divorce Petition in IDOP No. 299 of 2022 on the file of the Family Court, Nagercoil to dissolve their marriage dated 22-11-2019. The 3rd Respondent also filed complaint in DVC.No. 30 of 2022 on the file of the Additional Mahila Court, (Magistratial Level Nagercoil seeking for against the 4th Respondent, his father Late Ravi Raj, his mother 5th Respondent and the relatives namely Jayashree, Jayaprakash and Kumar seeking for protection from Domest Violence, return of jewels and the marriage expenditures an compensation. WHEREAS



Mr.Raviraj the father 4th Respondent died on 10-12-2022. On the application of the 3rd Respondent in Crl.M.P.No. 367 of 2023 in DVC No. 30 of 2022, on 02-03-2023 half share in the property of Late Mr. Raviraj bearing door No.48, R.S.No. 871/1, Kulavanigapuram village, Palayamkottai Taluk. Tirunelveli District was attached and on 28-03-2025 the learned Additional Mahila Court (Magistrate Level) Nagercoll in Crl.M.P.No. 100 of 2025 in DVC No. 30 of 2022 granted residential order in favor of the 3rd Respondent in respect of the said property and directed the 1st and 2nd Respondent to assist the execution of residential order.

WHEREAS the 1st petitioner in W.P(MD) No. 15364 of 2025 Mrs.S.Devi had purchased the property bearing Door No.48, NGO Colony. Perumalpuram comprised Sy.No.871/1, T.S.No.5 Kulavanigapuram Village. Palyamkottai Taluk, Tirunelveli Corporation. admeasuring 14.21 cents together with the buildup portion admeasuring 1683 sq. ft on 27-10-2023 in Document No.9830 of 2024 on the file of the Sub Registrar, Melapalayam and let out to the 2nd Petitioner Dr.Suyamburaj On 14-05-2025



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the 1st and 2nd Respondents herein took possession of a portion of the building and handed over the same to the 3rd Respondent herein and thus the petitioners herein filed Writ Petition in W.P (MD) No. 15364 of 2025 challenging the order passed in Crl.M.P.No. 100 of 2025 in DVC.No. 30 of 2022 on the file of the Learned Additional Mahila Court (Magistrate Level), Nagercoil, dated 28.03.2025 and its consequential dispossession dated 14-05-2025.

WHEREAS the Writ Petition in W.P (MD) No. 15364 of 2025 is posted before the Hon'ble High Court, Madurai Bench today for reporting settlement between the 3rd and 4th Respondents. Accordingly the 3rd Respondent and the Mr.K.Vijayasekar, the Power of Attorney of the 4th Respondent have appeared before this Hon'ble Court, and it was resolved to pay Rs.60,00,000/- (Sixty lakhs only) as to the 3rd respondent as permanent alimony and compensation to bring an end to the matrimonial dispute. Thus this Deed of compromise is entered on the following terms and condition.

NOW THIS COMPROMISE DEED WITNESSTH AS FOLLOWS



1) Mr.K. Vijayasekar, the Power of Attorney of the 4th Respondent tendered Demand Drafts bearing Nos. 425975 and 425976 of State Bank of India, Kasthuribai Nagar, Adyar, Chennai, dated 09.07.2025 for Rs.25,00,000/- each (twenty five lakhs) totaling Rs.50,00,000/- (Fifty lakhs) to the 3rd Respondent and the 3rd Respondent also acknowledges the receipt of the same.

ii) The 3rd respondent and 4th respondent hereby agree that the long standing matrimonial dispute coming to an end and they shall not make any claim against each other hereafter.

iii) The 3rd Respondent undertakes to withdraw the complaint in DVC No.30 of 2022 on the file of the Additional Mahila Court, (Magistrate level) Nagercoil, and agree to vacate the house building bearing Door No.48, NGO Colony, Perumalpuram comprised in Sy.No.871/1, T.S.No.5 Kulavanigapuram Village, Palyamkottai Taluk. Tirunelveli Corporation, admeasuring 14.21 cents together with the buildup portion admeasuring 1683 sq. ft. forthwith. The 3rd Respondent has no objection to set aside the order passed in Crl.,M.P.No. 100 of 2025 in DVC No.30 of 2022 on the file of the Additional Mahila Court, (Magistrate



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level) Nagercoil dated 28.03.2025.

iv) The 3rd and 4th respondents herein undertake to file petition for Divorce Petition to dissolve their marriage on mutual consent in the pending Divorce petition in IDOP NO. 299 of 2022 on the file of the Family Court, Nagercoil within 1 month from today and at the time of filing Divorce petition on mutual consent, the 4th Respondent undertake to tender the balance sum of Rs.10.00.000/- (Rupees ten lakhs only) by way of Demand Draft infavour of the 3 Respondent.

v) The 3rd and 4th Respondents hereby undertake to abide by the above terms and conditions and there shall not be any violations thereof,

In the witnesses whereof the Respondents 3 and 4 in W.P (MD) No.15364 of 2025 put their hand and seal on the day, month and year above mentioned.

6.Considering the facts of the case and in light of the compromise arrived between the parties, the prayer in the writ petition stands allowed as per the terms of the compromise. The parties are directed to strictly adhere to the terms of the compromise. The parties are at liberty to withdraw the divorce petition in IDOP No.299 of 2022 on the file of the



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Family Court, Nagercoil, and file a fresh petition by mutual consent.

Once the petition is filed, the trial Court is directed to consider the same by waiving six months period and appearance through power of attorney and online. No costs. Consequently, the connected writ miscellaneous petition is closed.

10.07.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

vsg

To

1. The learned Family Court,
Nagercoil.
2. The Protection Officer (Protection of Women
from Domestic Violence Act),
Tirunelveli,
Tirunelveli District.
3. The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli.



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S.SRIMATHY, J

vsg

W.P.(MD) No. 15364 of 2025

10.07.2025