



CRP(MD). No.2283 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 19/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRP (MD). No.2283 of 2025

1. Menaga,

2. Minor.Udayashri

... Petitioners

Vs

Ayyappan,
S/o.Veeramalai,
Keela Thaliyampatti
(South Street),
Vaiganallur South,
Kulithalai Taluk,
Karur District..

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India to set aside judgment order dated 08-05-2025 passed by the Additional District Sessions Judge, Karur, in CA.No.177 of 2024 confirming the judgment order dated 22-12-2023 passed by the Judicial Magistrate No.1, Kulithalai in DVC No.08 of 2019.

For Petitioner : Mr.M.Saravanan



CRP(MD). No.2283 of 2025

ORDER

WEB COPY

The Civil Revision Petition is filed against the judgment dated 08-05-2025 passed by the Additional District Sessions Judge, Karur, in CA.No.177 of 2024 confirming the judgment order dated 22-12-2023 passed by the Judicial Magistrate No.1, Kulithalai in DVC No.08 of 2019.

2. Since no adverse orders are going to be passed against the respondent, notice to the respondent is dispensed with.

3. The petitioners are the wife and daughter respectively of the respondent. The marriage between the first petitioner and the respondent was solemnized in the year 2006 and they were blessed with a daughter/2nd petitioner herein. In view of the dispute arose between them, the first petitioner initiated domestic violence proceedings in DVC No.9/2014 and subsequently on the compromise entered into between the parties, the said DVOP No.9/2014 was dismissed on 08.07.2017 and in HMOP No.34/2009, a decree of divorce has also been granted to them. In



CRP(MD), No.2283 of 2025

the interregnum, the respondent has performed second marriage and subsequently, another DVC proceedings were initiated in DVC No.8 of 2019. However, the said proceedings came to be dismissed on the ground that after a decree of divorce was granted, the respondent and the first petitioner has no relationship and they are not residing under one roof and in such a situation, the domestic violence proceedings is not at all maintainable and the trial Court dismissed the petition on 22.12.2023. Challenging the said dismissal, the petitioners herein filed an appeal and the said appeal also, the petitioners have lost their case and hence, challenging the said judgment, they are before this Court.

4. The learned counsel for the petitioner would submit that during the pendency of the divorce petition, the respondent performed second marriage and forced the first petitioner for conjugal relationship and hence, the domestic violence proceedings were initiated and therefore, it is a fit case for initiating domestic violence proceedings. However, both the trial Court as well as lower appellate Court has failed to consider this aspect and dismissed the petition and appeal and hence, the learned counsel prays for interference.



CRP(MD), No.2283 of 2025

WEB COPY

5. I have considered the rival submissions and perused the materials available on record.

6. A perusal of the records, domestic violence proceedings and the appeal proceedings would go to show that admittedly, the respondent has filed a petition for divorce in HMOP No.34/2009 and a petition for domestic violence was filed by the first petitioner in DVOP No.9/2014 and subsequently, on the compromise entered between them and on the deposit of Rs.1,00,000/- made by the respondent, the said petition came to be dismissed. Subsequently, a decree for divorce was also granted. The respondent has also deposited Rs.2,00,000/- in favour of the 2nd petitioner/daughter. However, again the first petitioner has initiated domestic violence proceedings after the decree of divorce was granted. When the divorce was granted, there is no relationship between the first petitioner and the respondent as wife and husband and when they are not residing under one roof, question of domestic violence does not arise. Hence, on this ground, the trial Court as well as the lower appellate Court had dismissed both the petition as well as appeal. It is also stated that the



CRP(MD). No.2283 of 2025

respondent has alienated the joint family property in favour of his second wife and such a civil dispute cannot be agitated in the domestic violence proceedings.

7. In view of the above, once decree of divorce is granted, there was no relationship between the petitioner and the respondent and in this circumstances, domestic violence proceedings initiated is not sustainable, which fact was rightly appreciated by the courts below, which findings do not warrant any interference at the hands of this Court. Accordingly, the Civil Revision Petition is dismissed. No costs.

19.08.2025

NCC : Yes/No
Index : Yes/No

RR

TO

1.The Additional District Sessions Judge, Karur

2.The Judicial Magistrate No.1, Kulithalai

3.VR Section

Madurai Bench of Madras High Court, Madurai.

5/6



WEB COPY



CRP(MD). No.2283 of 2025

M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) No.2283 of 2025**

Date : 19/08/2025