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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

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THE HON'BLE MR.JUSTICE S. SOUNTHAR

REV.APPL No. 60 of 2026

1. Mukesh Murthi
2. Murthi
3. Sundari

..Petitioner(s)

Vs

Mangayarakarasi

..Respondent(s)

Prayer: Review application is filed under Section 114 and Order XLVII Rule 1 of CPC, 1908 praying to review the order dated 26-11-2025 passed by this Court in CRP,No.2907 of 2025.

For Petitioner(s): Mr.C.D.Johnson

ORDER

This review application has been filed seeking to review the order passed by this Court dated 26.11.2025 in CRP.No.2907 of 2025.

2. The main civil revision petition has been filed seeking to strike off the complaint preferred by the respondent under the provisions of domestic violence act.

3. The learned counsel for the petitioner would submit that earlier complaint preferred by the respondent in DVC.No.4 of 2015 was dismissed for default and hence, the second complaint preferred by the respondent is not



maintainable in view of bar under Order IX Rule 9 of CPC. The learned counsel also submitted that availability of alternative remedy is not a bar for entertaining a revision under Article 227 of Constitution of India.

4. Even in the order sought to be reviewed, this Court referred to the judgment of the Hon'ble Apex court in the case of ***Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society*** reported in ***MANU/SC/1365/2019*** for refusing to entertain the revision based on alternative remedy. The Hon'ble Apex Court in the above mentioned case categorically held that availability of alternative remedy before the regular court is a near total bar for exercise of supervisory power under Article 227 of Constitution of India. Therefore, the submission made by the learned counsel for the petitioner on the availability of alternative remedy was already considered by this Court in the order sought to be revised and the conclusion of this Court was based on the law laid down by the Hon'ble Apex Court.

5. As far as the contention raised by the learned counsel for the petitioner that dismissal of earlier complaint will act as a bar on the present complaint is concerned, whether the cause of action for earlier complaint and the present complaint are one and the same, whether the present complaint preferred by the respondent is based on subsequent cause of action are all matters to be considered based on the averments of the respondent in the earlier complaint as well as in the present complaint. In the order sought to be reviewed, this Court only followed the decision of the Full Bench of this Court in ***Arul Daniel and***



Others Versus Suganya reported in (2022) SCC Online Mad 5435 and

observed that the petitioner can very well go before the learned Magistrate and raise preliminary objection with regard to the maintainability of complaint by raising jurisdictional issues like absence of shared household/domestic relationship etc., If it is the case of the petitioner that present complaint preferred by the respondent is barred by any law, more specifically Order IX Rule 9 of CPC, it is always open to him to raise that issue as a preliminary point before the learned Magistrate. In fact, in the order sought to be reviewed, this Court had granted liberty to the petitioner to raise preliminary issues before the learned Magistrate as held in ***Arul Daniel and Others Versus Suganya reported in (2022) SCC Online Mad 5435***.

6. In view of the above discussion, I do not find any error apparent on the face of the records to enable this Court to exercise review jurisdiction. Accordingly, the review application stands dismissed. No costs.

02-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Judicial Magistrate No.1, Mannargudi.



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S.SOUNTHAR, J.

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