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CRP No. 6592 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

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THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6592 of 2025 and
CMP.No.32629 of 2025**

K.Vimal Raj

Petitioner

Vs

1. R.Kavitha

2.K.Chandru

Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India praying to allow the Civil Revision Petition thereby strike off the complaint proceeding in respect of DVC.No.04 of 2025 on the file of Honble District Munsif Cum Judicial Magistrate, Thiruporur, Chengalpattu Dt as against the petitioner/2nd respondent in the complaint and thus render justice

For Petitioner(s): Mr. V.Manisekaran

ORDER

The civil revision petition is filed challenging the proceedings initiated by the 1st respondent under the provisions of domestic violence act.



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2. The learned counsel for the petitioner submitted that even as per the averment contained in the complaint preferred by the 1st respondent, the property situated in No.207, J Block, 2nd floor, K.G.Earth Homes, Thazhambur, Chengalpattu District-603130 is a house property belongs to the petitioner and the 2nd respondent/husband has no right over the same. Therefore, the complaint preferred by the 1st respondent seeking residential right in respect of the exclusive property of the petitioner is not at all maintainable.

3. The Full Bench of this Court in the case of ***Arul Daniel and Others Versus Suganya reported in (2022) SCC Online Mad 5435*** held that any person aggrieved by the process issued by the Magistrate can go before the very same Magistrate and raise preliminary objections with regard to the issues like existence of a shared household/ domestic relationship etc., If any order is passed, the aggrieved person can also take recourse to an appeal under Section 29 of the Domestic Violence Act. The relevant portion reads as follows:-

87(vii). *As there is no issuance of process as contemplated under Section 204, Cr.P.C. in a proceeding under the D.V. Act, the principle laid down in Adalat Prasad v. Rooplal Jindal ((2004) 7 SCC 338) that a process, under Section 204, Cr.P.C, once issued cannot be reviewed or recalled, will not apply to a proceeding under the D.V. Act.*



Consequently, it would be open to an aggrieved respondent (s) to approach the Magistrate and raise the issue of maintainability and other preliminary issues. Issues like the existence of a shared household/domestic relationship etc., which form the jurisdictional basis for entertaining an application under Section 12, can be determined as a preliminary issue, in appropriate cases. Any person aggrieved by such an order may also take recourse to an appeal under Section 29 of the D.V. Act for effective redress (See V.K. Vijayalekshmi Amma v. Bindu V., (2010) 87 AIC 367). This would stem the deluge of petitions challenging the maintainability of an application under Section 12 of the D.V. Act, at the threshold before this Court under Article 227 of the Constitution.

4. In view of the availability of alternative remedy before Magistrate, as held by Full Bench in **Arul Daniel** case, this Court is not inclined to exercise supervisory power under Article 227 of the Constitution of India. Further, the Hon'ble Apex Court in the case of **Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society** reported in **MANU/SC/1365/2019** held that availability of alternative remedy before regular Courts, is near total bar for exercise of supervisory power by High Court. Hence, I am not inclined to interfere in revision.

5. Accordingly, the Civil Revision petition stands dismissed with liberty



to the petitioner to approach the concerned Magistrate for getting appropriate remedy in terms of order passed in *Arul Daniel* case cited supra.

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6. Having regard to the fact the complaint preferred under Section 12 of Domestic Violence Act is predominantly civil in nature, this Court is inclined to dispense with the personal appearance of the petitioner before the learned Magistrate unless it is absolutely necessary. Consequently, the connected miscellaneous petition is closed. No costs.

02-01-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

The District Munsif Cum Judicial Magistrate, Thiruporur,
Chengalpattu District.



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S.SOUNTHAR J.
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