

**IN THE COURT OF ADDITIONAL MAHILA AT MAGISTERIAL LEVEL AT
KARUR**

Present: Tmt. T.Wajitha Thabassm, L.L.M.,
Judicial Magistrate, Additional Mahila Court, Karur
Monday, the 09th day of March, 2026

C.M.P No. 231 of 2025

In

D.V.C. No. 71 of 2023

1. Vellaisamy
2. Sreerangammal
3. Gandhimathi
4. Parameswari ... Petitioners/ 2 to 5 Respondents

/Vs/

Nandhini ... Respondent/Petitioner

This petition came up for hearing before me on 09.03.2026 in the presence of Mr.P.Gunashekar, Counsel for the Petitioners and Mr.V.S.Vigneswaran, Counsel for the Respondent and upon considering both side submissions and on perusal of records and having stood over for consideration till this date, this Court passed the following;

ORDER

The Petitioners have filed this petition under order 1 rule 10(2) of C.P.C.

1. Brief averments made in the petition:

The Respondent/Petitioner has filed the present Domestic Violence case against the Petitioners. Neither in the complaint nor during the cross-examination of

PW1 has any specific allegation of domestic violence been made against the Petitioners. The 1st and 2nd Petitioners are the father-in-law and mother-in-law of the Respondent/Petitioner. Both are senior citizens and, due to their age and health conditions, it causes extreme hardship and inconvenience for them to attend the Court in person. In particular, the 1st Petitioner is undergoing dialysis periodically, and the relevant medical documents have already been produced at the time of enquiry in the interim maintenance petition.

2. The 3rd and 4th Petitioners/4th and 5th Respondents are the sisters-in-law of the Respondent/Petitioner. The 3rd Petitioner/4th Respondent is residing with her spouse at Viralimalai, Trichy District, which is about 97 kilometres away from Rengapalayam, Karur. The 4th Petitioner/5th Respondent is residing with her spouse at Thanthondrimalai, Karur District, which is about 42 kilometres away from Rengapalayam, Karur. The 3rd and 4th Petitioners were neither residing in the shared household nor were they in a domestic relationship with the Respondent/Petitioner, and the same has been admitted by the Respondent/Petitioner during her cross-examination.

3. There is no prima facie case made out by the Respondent/Petitioner against the Petitioners. The Petitioners have been unnecessarily arrayed as parties only with the intention to harass them, tarnish the dignity of their family, and compel them to meet the exorbitant demands of the Respondent/Petitioner. The Respondent/Petitioner has not produced any evidence whatsoever to show that the Petitioners committed any act of domestic violence against her. The Petitioners have a valid defence in the above matter and therefore pray that this Court may be pleased to hold that their names have been improperly arrayed as Respondents in the Domestic Violence complaint and to strike out their names from the array of parties.

4. Brief contents of the counter:

The Respondent/Petitioner, in her counter, has stated that the contention of the Petitioners that no allegations have been made against them either in the main

petition or during the cross-examination in the main case is wholly denied. It is further stated that the Petitioners have filed the present petition with the intention of escaping from the process of law by citing their advanced age. According to the Respondent/Petitioner, she has been subjected to severe mental and physical cruelty by the Petitioners 2 to 5. It is alleged that the Petitioners are attempting to evade the proceedings by putting forth false and untenable reasons.

5. The Respondent/Petitioner has further stated that the stridhana properties belong to her, and if the above Petitioners are discharged from the case, it would become difficult for her to recover the said properties. The Petitioners demanded 15 sovereigns of jewelry and Rs.50,000/- towards Pongal festival expenses, demanded articles for Pongal decoration, insisted on conducting an ear-piercing ceremony in a lavish manner, and remained silent while the 1st Respondent in the main case assaulted her. According to the Respondent/Petitioner, the Petitioners have harassed her on several occasions. Hence, the petition deserves to be dismissed.

6. Point for consideration:

Whether the petition is entitled to be allowed?

7. Heard both sides. Records perused. It is admitted that the 1st Petitioner/2nd Respondent is the father-in-law, and 2nd Petitioner/3rd Respondent is the mother-in-law of the Respondent/Petitioner. The 3rd and 4th Petitioners/4th and 5th Respondents are sisters-in-law of the Petitioner. In order to seek for any relief under the Protection of Women from Domestic Violence Act, the Petitioner must prove that the Petitioner and the Respondents lived together in a shared household, so as to bring the Respondents under domestic relationship.

8. When the materials on record are carefully scrutinized, it is revealed that there are only general allegations against the 3rd and 4th Petitioners/4th and 5th

Respondents. There are no specific incidents of domestic violence meted out by the 3rd and 4th Petitioners/4th and 5th Respondents against the Respondent/Petitioner.

9. It is well settled position that the bald allegations against the relatives of the husband cannot be permitted to be raised only to rope them as Respondents in matrimonial disputes. On perusal of the petition of the main case, it is seen that the Petitioner has not stated anywhere in her petition that the 3rd and 4th Petitioners/4th and 5th Respondents were in a domestic relationship with the Petitioner. However, the Petitioner has stated that she lived at the house of the Respondents No.1 to 3.

10. At this juncture, it is relevant to peruse the cross examination of the Petitioner as PW1, during which she deposed that “நானும் 1 முதல் 3 எதிர்மனுதாரர்கள் ஒன்றாக வசித்து வந்தோம் என்றால் சரிதான். 4ம் எதிர்மனுதாரர் விராலிமலையில் உள்ளார் என்றால் சரிதான். ரெங்கபாளையத்திற்கும், விராலிமலைக்கும் சுமார் 70 கி.மீ உள்ளது என்றால் சரிதான். 5ம் எதிர்மனுதாரர் தனது கணவருடன் தாந்தோணிமலையில் வசித்து வருகிறார் என்று சொன்னால் சரிதான்”. Therefore the Petitioner has admitted that the 3rd Petitioner/4th Respondent is residing at Viralimalai and 4th Petitioner/5th Respondent is residing at Thanthonimalai, Karur, with her husband.

11. Domestic relationship arises in respect of an aggrieved person if the aggrieved person had lived together with the respondent in a shared household. When the 3rd and 4th Petitioners/4th and 5th Respondents never stayed together in the same household, the making of allegations against the shared household would not amount to domestic violence in the absence of domestic relationship and shared household as defined under the Protection of Women from Domestic Violence Act, 2005. Therefore, this court is of the view that only for the purpose of harassing the 3rd and 4th Petitioners/4th and 5th Respondents, they have been arrayed as parties.

12. At this juncture, it is relevant to consider *Arul Daniel v. Suganya and other connected matters*, 2022 Live Law (Mad) 467, wherein a Full Bench of the

Hon'ble High Court Madras, has reiterated directions passed by the learned single judge Hon'ble Justice Mr.N.Anand Venkatesh in ***Dr.P.Pathmanathan v V.Monica, (2021 (2) CTC 57)***; One of the directions issued which is relevant to the case in hand, is extracted as follows:

“In Kunapareddy (cited supra), the Hon'ble Supreme Court upheld the order of a Magistrate purportedly exercising powers under Order VI, Rule 17 of The Civil Procedure Code, 1908 (hereinafter referred to as “C.P.C.”), to permit the amendment of an application under Section 12 of the D.V. Act. Taking a cue therefrom, it would be open to any of the respondent(s), at any stage of the proceeding, to apply to the Magistrate to have their names deleted from the array of respondents if they have been improperly joined as parties. For this purpose, the Magistrate can draw sustenance from the power under Order I Rule 10(2) of the C.P.C. A judicious use of this power would ensure that the proceedings under the D.V. Act do not generate into a weapon of harassment and would prevent the process of Court from being abused by joining all and sundry as parties to the lis.”

13. Placing reliance on the above-mentioned decision of the Hon'ble High Court of Madras, this Court derives support from the power conferred under Order I Rule 10(2) of the C.P.C. Accordingly, this Court is of the considered view that 3rd and 4th Petitioners/4th and 5th Respondents are liable to be deleted from the array of Respondents. Since, the Petitioner has sought a residence order in the house belonging to the Respondents No.1 to 3, the 1st and 2nd Petitioner/2nd and 3rd Respondents shall continue to be the parties to this case. Considering the age and health condition of the 1st and 2nd Petitioner/2nd and 3rd Respondents, this court deems it fit to dispense with their personal attendance and that they may be permitted to represent their case through their counsel.

14. In the result, this petition is partly allowed without costs as follows:

i) the names of 3rd and 4th Petitioners/4th and 5th Respondents are deleted from the array of parties in this case.

ii) The personal appearance of the 1st and 2nd Petitioner/2nd and 3rd Respondents is dispensed and they shall proceed to represent the case through their counsel and they shall appear, when their appearance is required by this court.

This order is typed and corrected by me in my laptop and pronounced in the open court on 9th day of March, 2026.

**Judicial Magistrate,
Additional Mahila Court,
Karur.**