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CRP.No.1168 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2023

CORAM:

THE HONOURABLE MRS.JUSTICE **T.V.THAMILSELVI**

CRP.No.1168 of 2023 and
CMP.No.8083 of 2023

1.N.Jayachandran
Nedunchezhan (died)
2.Lakshmi @ Vimala
3.Rasathi

... Petitioners

Vs.

J.Geetha

... Respondent

PRAYER:

Civil Revision petition is filed under Article 227 of the Constitution of India to call for the records pertaining to DVC.No.33 of 2020 and quash the Domestic Violence Proceedings in DVC.No.33/2020 on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai-15 and to allow this civil revision petition.

For Petitioners : Mr.C.Uma Shankar
for Mr.B.P.Vinoth

ORDER

This civil revision petition has been filed to quash the Domestic Violence Proceedings in DVC.No.33/2020 on the file of the XXIII



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Metropolitan Magistrate Court, Saidapet, Chennai-15

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2. The learned counsel for the revision petitioners argues that the learned Magistrate not inclined to adjourn the matter though it was requested by the respondent by filing memo and the same was not considered. On the other hand, he inclined to refer the counsel for Bar Council and to that effect, the case status also revealed.

3. On perusal of case status, the entire proceedings from 08.11.2022 to 20.03.2023 clearly reveals that the Magistrate behaved in the court in a hurried manner and such attitude of the Officer not to be appreciated because he not applied his mind before passing the order. Immediately on receipt of the memo, he wanted to refer the matter to Bar Council, as such it is not permissible. Therefore, he needs proper training. Furthermore, the case was filed in the year 2020 by the respondent and initiated DVC proceedings, which is now ripe for trial. If opportunity not given to the revision petitioners for conducting cross examination, they will be put to much hardship. But as per the case status, Magistrate closed the evidence of the petitioner (respondent herein) without considering the adjournment sought by the respondents



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(petitioners herein). Though the respondent also agreed to give cooperation for

the proceedings, but some extent trial Judge should have considered the representation made on the side of the respondent. Hurried manner of the Officer also leads to miscarriage of justice and the same should not be encouraged. Considering that, this Court is inclined to stay the proceedings.

4. Hence, there shall be an order of interim stay and not to proceed with the DVC.No.33 of 2020 till 27.04.2023.

5. Notice to the respondent returnable by 27.04.2023. Private notice is also permitted.

6. Post on 27.04.2023.

06.04.2023

Index : Yes/No

Internet : Yes/No

Speaking order/non-speaking order
lok

Note: Issue order copy on 06.04.2023



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T.V.THAMILSELVI, J.

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To
The XXIII Metropolitan Magistrate Court,
Saidapet, Chennai-15

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