

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.06.2018

CORAM :

THE HONOURABLE MR. JUSTICE P. VELMURUGAN

CRP.No3125 of 2017

and CMP.No.14607 of 2017

C.R.Suresh Babu

.. petitioner

v.

Sharmila Chandra

.. respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 30.05.2017 made in IA.No.2179 of 2016 in IA.No.142 of 2015 in HMOP.No.1720 of 2014 on the file of the III Additional Family Court, Chennai.

For Petitioner : Mr.Thomas Jacob
For Respondent : Mrs.G.Sridevi

O R D E R

This Civil Revision Petition is filed to set aside the order dated 30.05.2017 made in IA.No.2179 of 2016 in IA.No.142 of 2015 in HMOP.No.1720 of 2014 on the file of the III Additional Family Court, Chennai.

2. The revision petitioner/husband filed OP.No.4439 of 2013 as against the respondent on the file of the III Additional Family Court, Chennai for divorce under Section 13 (1) (i-a) (i-b) of the Hindu Marriage Act. The respondent/wife filed another OP.No.1720 of 2014 as against the revision petitioner on the file of the III Additional Family Court, Chennai for restitution of Conjugal rights under Section 9 of the Hindu Marriage, Act.

3. During the pendency of both the OPs, the respondent/wife filed IA.No.142 of 2015 in OP.No.1720 of 2014 under Section 24 of the Hindu Marriage Act, seeking interim maintenance. Subsequently, the petitioner herein filed an application in IA.No.2179 of 2016 in IA.No.142 of 2015 in OP.No.1720 of 2014 for producing certain documents by the respondent/wife for enquiry of the interim maintenance application in IA.No.142 of 2015. The respondent herein filed counter and objected the application, the Family Court after enquiry dismissed the application. Feeling aggrieved against the said order passed in IA.No.2179 of 2016, the revision petitioner is before this Court.

4. The main contention of the learned counsel for the petitioner is that the petitioner filed petition for divorce on the ground of cruelty. The respondent in order to protract the divorce proceedings she filed OP.No.1720 of 2014 under Section 9 of the Hindu Marriage Act for restitution of

conjugal rights and also filed IA.No.142 of 2015 seeking interim maintenance. The respondent is doing several businesses in USA and also she is an Income Tax Assessee and she is earning more than what the petitioner is earning, if the bank statements and income tax returns filed by the respondent before the USA Government are produced before the Court, the actual income of the respondent can be proved. In order to give mental torture to the petitioner, the respondent filed the application for interim maintenance. The documents sought for IA.No.2179 of 2016 are the vital documents to prove the income of the respondent. The Family Court failed to consider this aspect and simply dismissed the petition filed by the petitioner.

5. The learned counsel for the respondent would submit that she is having children and documents sought for by the petitioner are personal tax returns filed in the United States of America is a very sensitive document and disclosure of those documents amounts to revealing sensitive information such as the social security number of the respondent. The petitioner is capable of using to defeat her bonafide rights and interests in the United States of America and that the petitioner failed on all counts to support the children. Hence, the Family Court rightly dismissed the petition filed by the petitioner.

6. Heard the rival submissions made on both sides and perused the available records.

7. It is not in dispute with regard to the relationship between the parties. Out of the marriage wedlock the respondent gave birth to three children. The revision petitioner/husband filed OP.No.4439 of 2013 on the file of the III Additional Family Court, Chennai for divorce. The respondent/wife filed another OP.No.1720 of 2014 on the file of the III Additional Family Court, Chennai for restitution of conjugal rights. The respondent filed IA.No.142 of 2015 seeking interim maintenance, the said petition was resisted by the petitioner by filing counter. Subsequently, the petitioner filed IA.No.2179 of 2016 for production of certain documents by the respondent.

8. It is a private case, it is difficult for the Court to get the documents from the USA. If the parties wants to establish their rights, responsibilities and liabilities they have to voluntarily disclose the available documents. However, without these documents also, the parties can establish their case, whether the respondent/wife is entitled to the claim of maintenance or not can be decided in IA.No.142 of 2015. Under these circumstances, the Family Court has given valid reasons for dismissing the application. This Court finds there is no illegality or infirmity in the order passed by the Family Court and finds no merits in the revision.

9. In the result, the revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed. The petitioner is at liberty to raise all the defence at the time of enquiry in IA.No.142 of 2015 filed under Section 24 of the Hindu Marriage Act, for interim maintenance, by the respondent.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

To
The III Additional Family Court, Chennai.

+1cc to Ms.G.Sridevi Advocate Sr.No.39311

VBA (CO)
sm:6.8.2018

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