



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2019

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.(PD)(MD)No.1086 of 2019

and

C.M.P(MD)No.5910 of 2019

C.Mathivanan

.. Petitioner/Petitioner/Respondent/
Petitioner

Vs.

B.Vasuki

.. Respondent/Respondent/Petitioner/
Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 29.04.2019 made in I.A.No.467 of 2018 in I.A.No.335 of 2018 and I.A.No.336 of 2018 in H.M.O.P.No.44 of 2018 by the Family Court, Tiruchirapalli.

For petitioner

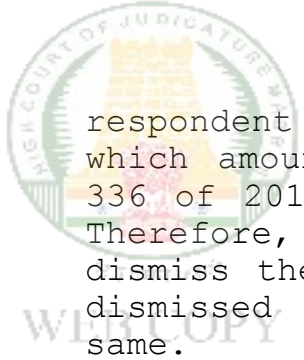
: Mr.A.P.Loganathan

ORDER

Against the dismissal of petition filed by the petitioner seeking to dismiss the interim maintenance petition as well as litigation expense petition, this revision has been filed.

2.The petitioner / husband filed H.M.O.P.No.87 of 2017 against the respondent / wife seeking divorce on the file of the Sub Court, Kancheepuram. The respondent / wife filed Tr.C.M.P(MD)No.456 of 2017 seeking to transfer the divorce petition to the Court below and this Court also allowed the same. Pending trial, the respondent / wife filed I.A.Nos.335 and 336 of 2018 seeking interim monthly maintenance and litigation expenses respectively. The petitioner / husband filed the present petition seeking to dismiss the said petitions on the ground that the respondent / wife filed false affidavit, which amounts to contempt of Court as well as offence under Section 340 Cr.P.C. The Court below has dismissed the same. Against which, the present Civil Revision Petition has been filed.

3.The learned counsel appearing for the petitioner / husband would submit that the respondent / wife has used different addresses in different affidavits for getting wrong gain. In Tr.C.M.P(MD) No.456 of 2017, she has mentioned that she was doing full time Ph.D. at Bharathidasan University, Trichy and staying there. But, in I.A.Nos.335 and 336 of 2018, she has mentioned Madurai address. The



respondent / wife has filed false affidavits with false address, which amounts to contempt of Court and therefore, I.A.Nos.335 and 336 of 2018 are not maintainable in law and liable for dismissal. Therefore, the petitioner filed I.A.No.467 of 2018 seeking to dismiss the above petitions. But, the Court below has erroneously dismissed I.A.No.467 of 2018. Thus, he prayed to set aside the same.

4. Heard the learned counsel for the petitioner / husband and perused the materials available on record.

5. The respondent / wife has sought interim maintenance and litigation expenses in I.A.Nos.335 and 336 of 2018 respectively, where she has given her Madurai address. It is not the case of the petitioner that the Madurai address is a false address. In the transfer civil miscellaneous petition, she has given her Trichy address stating that she is studying in Bharathidasan University and sought for transfer. The Trichy address, in my opinion, is the place of her study and for convenience, she has sought for transfer and in the matter of transfer, the wife's convenience is paramount. It does not mean that the Madurai address is a false address and therefore, there is no merit in this petition and it has been rightly dismissed by the Court below, which does not warrant any interference from this Court. Accordingly, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To
The Judge,
Family Court,
Tiruchirapalli.

Copy to:

The Record Keeper, (2 Copies)
V.R. Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.P.LOGANATHAN, Advocate (SR-74342[F] dated 09/07/2019

ORDER MADE IN
C.R.P (MD) No.1086 of 2019
05.07.2019