



C.R.P.No.2327 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2023

CORAM:

THE HONOURABLE Mrs.JUSTICE T.V.THAMILSELVI

C.R.P.No. 2327 of 2023

and

C.M.P.No. 14140 of 2023

C.T.Natarajan

.. Petitioner

Vs

Santha

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the entire records pertaining to the order of the Special Court for Trial of Domestic Violence Cases, Coimbatore dated 27.03.2023 made in un-numbered CMP.No. of 2023 in DVA.No.99 of 2020, set aside the same and consequently direct the Special Court for Trial of Domestic Violence Cases, Coimbatore to number the CMP filed by the petitioner under Section 245 of Cr.P.C.

For Petitioner : Mr. R. Shanmugham

For Respondent : Mr. T. Elumalai



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ORDER

This Civil Revision Petition is filed to call for the entire records pertaining to the order of the Special Court for Trial of Domestic Violence Cases, Coimbatore dated 27.03.2023 made in un-numbered CMP.No. of 2023 in DVA.No.99 of 2020 and set aside the same.

2. The revision petitioner herein is the husband of the respondent herein. Before the trial Court, the DVA.No. 99 of 2020 was filed by the respondent / wife against her husband / revision petitioner herein.

3. Aggrieved over the said proceeding, the revision petitioner has preferred this revision, praying to quash the entire proceeding as it is a clear case of abuse of process of law.

4. The learned counsel for the petitioner submits that he is aged about 93 years old and suffering with chronic disease and he is continuing the treatment but the respondent / wife, at the instigation of their son,



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Karthikeyan, who is unmarried and drunken, always causing interference in the peaceful possession and enjoyment of the life as well as the property. At his instigation, the DVA proceeding was initiated. In fact, he is residing in the house, which was purchased by self acquisition, as he is a retired professor of Tamilnadu Agricultural University. He is living with two sons and daughters and already he partitioned all the properties. Now, at the instigation of Karthikeyan, the false case was filed. On considering the submission, this Court directed both the parties to appear in video conference. Accordingly, the revision petitioner and his daughter appeared through video conference.

5. The learned counsel for the respondent submits that the wife, Santha, who is aged about 84 years old, she was not been properly maintained by the revision petitioner / husband and also he attempted to forcibly sent out from the house. Hence, necessity arose for her to file DVA proceeding. Further it is submitted that the revision petitioner is receiving Rs.1.50 lakhs as monthly pension but, he failed to maintain her.



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6. On seeing the age of both the parties, more than 80 years old

and all are living along with sons and daughters, admittedly, one son, Karthikeyan is unmarried and drunken person. He is causing interference in the peaceful life of both petitioner and respondent. Therefore, this Court is inclined to give direction to the Karthikeyan not to cause any annoyance to the revision petitioner, who wants to live peacefully in the house belongs to him during the fag end of his life. However, the respondent, aged about 84 years old, also residing in their house without proper maintenance according to her, as per counsel's submission.

7. Therefore, this Court directs the revision petitioner / husband to pay Rs.20,000/- to the respondent / wife from November 2023 onwards, on the first week of every English calendar month, until her demise; that amount to be paid either in cash directly or through the account of the respondent herein.

8. Accordingly, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs. The



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entire DVA proceeding is ordered to be quashed as the respondent / wife is permitted to reside in the house peacefully.

01.11.2023

Index :Yes/No
Neutral Citation :Yes/No
AT

To
The Special Court for Trial of Domestic Violence Cases,
Coimbatore.



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T.V.THAMILSELVI, J.

AT

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