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C.R.P.(PD) Nos.834, 829 and 2367 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

C O R A M

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

C.R.P.(PD).Nos.834, 829 and 2367 of 2024
and C.M.P.Nos.4121, 4102 and 12399 of 2024

C.R.P.No.834 of 2024

1. Dinesh
2. Amsa

... Petitioners

Versus

1. Nathiya
2. Muthulakshmi
3. Sambath Kumar

... Respondents

C.R.P.No.829 of 2024

1. Muthulakshmi
2. Sambath Kumar

... Petitioners

Versus

1. Nathiya
2. Dinesh
3. Amsa

... Respondents

C.R.P.No.2367 of 2024

S. Sathish

... Petitioner



C.R.P.(PD) Nos.834, 829 and 2367 of 2024

Versus

1. Nathiya
2. Muthulakshmi
3. Sambath Kumar
4. Dinesh
5. Amsa

... Respondents

COMMON PRAYER IN C.R.P.NOS.834 AND 829 OF 2024: The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order passed in C.M.P.No.2639 of 2023 in D.V.C.No.37 of 2022 on the file of the Additional Mahila Court, Chengalpattu, dated 21.12.2023.

PRAYER IN C.R.P.NO.2367 OF 2024: The Civil Revision Petition is filed under Article 227 of the Constitution of India to quash the proceedings in D.V.C.No.37 of 2022 on the file of the Additional Mahila Court, Chengalpattu.

C.R.P.Nos.834 and 829 of 2024

For Petitioners : Mr.B.Singaravelu

For 1st Respondent : Ms.U.Meharunisha

C.R.P.No.2367 of 2024

For Petitioner : Mr.N.Balaji

For 1st Respondent : Ms.U.Meharunisha

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C.R.P.(PD) Nos.834, 829 and 2367 of 2024

COMMON ORDER

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C.R.P.No.834 of 2024 is filed by Respondent Nos.4 and 5, C.R.P.No.829 of 2024 is filed by Respondent Nos.2 and 3 and C.R.P.No.2367 of 2024 is filed Respondent No.1 in D.V.C.No.37 of 2022.

2. The respondent, namely, Nathiya, is estranged wife of one Sathish, petitioner in C.R.P.No.2367 of 2024 and other petitioners are in-laws. Since all the Civil Revision Petitions are arising out of D.V.C.No.37 of 2022, the same are disposed of by way of a common order.

3. The petitioner and the respondents are referred as per their rank in Domestic Violence Complaint. The first respondent is the husband. The second and third respondents are the mother and father of the first respondent and the fourth and fifth respondents are the brother and sister-in-law of the first respondent.

4. The case of the petitioner/complainant is that the marriage between the complainant and the first respondent had taken place on 08.07.2019 in Singaperumal Koil. After the marriage, the first respondent was living with the complainant only for a period of one week. The petitioner and



the respondent were living in a joint family. After the marriage, for the month of *Aadi*, the petitioner and the first respondent were separated and the first respondent had not participated in any of the function thereafter. The first respondent was having a relationship with one Lakshmi and the said Lakshmi's photos were shared in WhatsApp to the complainant. When the complainant objected to the same and enquired with the father-in-law and the mother-in-law, they have also supported the first respondent and further, they forced the petitioner to live adjusting with the first respondent otherwise, she would be assaulted physically and subjected to cruelty. The fourth and fifth respondents, who are the brother and sister-in-law were supporting the first respondent. Later, on 15.01.2020, she was forced out of the matrimonial home and thereafter, the first respondent has not bothered about the complainant and hence, on 06.02.2020, a complaint was lodged by the petitioner against the respondents in All Women Police Station, Chengalpattu and C.S.R.No.62 of 2020 assigned. When the Police served notice, the respondents have locked the house and absconded. Thereafter, on 19.09.2020, another complaint was lodged by the petitioner and C.S.R.No.343 of 2020 was assigned and the respondents have failed to participate in the enquiry. Finally, on 08.10.2020, another complaint was lodged by the petitioner in C.S.R.No.1254 of 2022, which is pending. During the marriage, 35 sovereigns of gold jewels were



presented in which, 25 sovereigns for the complainant and 7 sovereigns for the first respondent and household articles were also presented. Now, the gold jewels and the household articles have been retained by the respondents. Hence, she seeks monthly maintenance of Rs.25,000/- and return of *Sridhana* and other articles.

5. The learned counsel for the first respondent submits that the first respondent is ready for mediation. The complainant on her own had left the matrimonial home and she makes false allegation against the first respondent and his family members. The first respondent is a Welder, employed on daily basis and he is finding it difficult to sustain himself. In such circumstances, demanding a sum of Rs.25,000/- as monthly maintenance is unreasonable, which the first respondent cannot pay. If the petitioner is willing to join the first respondent, as a joint family, they can live happily. With regard to the allegation of the first respondent having an affair with one Lakshmi, the learned counsel strongly denied the same.



6. The learned counsel for respondent Nos.2 to 5 submitted that the second and third respondents are the mother and the father of the first respondent, who are aged about 70 years and having age related ailments. They are falsely implicated in this case. The second and third respondents explained to be false when the petitioner questioned about the relationship with Lakshmi. Apart from this sweeping allegation, there is no other averment against them. The learned counsel further submitted that as regards the fourth and fifth respondents, they are the brother and sister -in-law of the first respondent. The fourth respondent is the elder brother, who got married much before and he and his wife, fifth respondent, are living separately in Bangalore. Except for attending the marriage, they have no role in the relationship and the alleged dispute between the complainant and the first respondent.

7. The learned counsel for the petitioner vehemently opposed the same and submitted that even prior to the marriage, the first respondent was having relationship with Lakshmi. In fact, the said Lakshmi got a female child born through the first respondent on 29.08.2020. The complainant's life has been spoiled and now she is chased out of the matrimonial home, the gold jewels and the household articles retained by the respondents. She strongly opposed for giving any relief to the respondents 1 to 3. As regards respondent



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Nos.4 and 5, she fairly submitted that they are residing in Bangalore, but, they were also harassing the complainant.

8. Considering the facts and circumstances of this case, this Court strikes out the name of the fourth and fifth respondent, who are the brother and sister-in-law of the first respondent since they are living separately in Bangalore and they have no role in the relationship and the dispute between the first respondent and the complainant. With regard to parents, in paragraph No.8 of the complaint, there is specific allegation against them, which is to be decided during the trial. As regards them, the relief sought for second and third respondents negatived, the relief sought in considering the age, their appearance before the trial Court in D.V.C.No.37 of 2022 is dispensed with on condition to appear before the trial Court as and when directed to appear. As regards the first respondent, he being the husband, the complaint is primarily against him, for cruelty, retention of the gold jewels and sridhana articles, further, the relief sought for monthly maintenance is from the first respondent. Hence, C.R.P.No.2367 of 2024 filed by him is dismissed. C.R.P.No.834 of 2024 filed by respondent Nos.4 and 5 is allowed and C.R.P.No. 829 of 2024 filed by respondent Nos.2 and 3 is dismissed giving relief of dispensation of personal appearance before the trial Court.



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9. The Additional Mahila Court, Chengalpattu, is directed to complete the proceedings in D.V.C.No.37 of 2022 as expeditiously as possible preferably within a period of six (6) months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

22.07.2024

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To

The Additional Mahila Court,
Chengalpattu.



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M. NIRMAL KUMAR, J.

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