



C.R.P.No.1536 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1536 of 2024 and
C.M.P.No.8261 of 2024

S.Karthik

... Petitioner

Vs.

K.Yamunabai

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decreetal order passed in I.A.No.1 of 2022 in O.P.No.2376 of 2021 by the Principal Family Court, Chennai on 29.12.2022 and by allowing the Civil Revision Petition.

For Petitioner : Mr.J.N.Naresh Kumar
For Respondent : Mr.G.Saravanan

ORDER

The petitioner filed this civil revision petition to set aside the impugned fair and decreetal order, dated 29.12.2022 in I.A.No.1 of 2022 in O.P.No.2376 of 2021 passed by the learned Principal Judge, Principal



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Family Court at Chennai.

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2.The learned counsel for the petitioner submitted that the petitioner has no knowledge about the decree and he is not liable to pay any amount towards respondent as claimed in the Execution Petition. The decree passed is not executable against the petitioner and the decree was obtained without the knowledge of the petitioner. The Court below not recorded any finding that petitioner neglected to maintain his wife and also considered the fake salary details of the petitioner as high as Rs.50,000/- per month. He further submitted that the respondent behaved like a psycho whenever she was questioned about chatting with male friends in Facebook, Whatsapp and other social media and spread tantrum against the petitioner. Further the petitioner was threatened by the respondent as though she would commit suicide. The respondent undergone treatment regarding fertility issue along with the petitioner. On 26.12.2020, the respondent's father came under the influence of alcohol and took the respondent along with him. Thereafter, the brother of the respondent attempted to assault the petitioner. For this reason, the petitioner filed O.P.No.3931 of 2021 seeking divorce from the



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respondent. Due to COVID-19, the petitioner lost his job and he has no regular income and surviving on his parents' support.

3.The learned counsel for the petitioner produced the appointment letter, pay slips and bank statements to show that the petitioner's income is only around Rs.15,000/- and not Rs.50,000/- as held by the Family Court. The respondent is an MBA graduate and she owns a property at Chroampet. Suppressing all these facts, she filed the petition for interim maintenance. Despite the petitioner not filed assets and liabilities, the Family Court passed the order on assumption and presumption. The respondent is working in a private firm and earning handsome salary which the petitioner could find out by employing detective agency namely Major Detective Agency, 7/36, Jawahar Road, Ramana Nagar, Perambur, Chennai who followed the respondent on several days and took photographs of her regular movements. From the Detective Agency report, it confirms that the respondent is working in Novel Digital India, Sowcarpet, Chennai and earning Rs.12,000/- per month. Hence, the impugned order is liable to be set aside.



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4.The learned counsel for the respondent submitted that the respondent filed petition for restitution of conjugal rights in O.P.No.2376 of 2021 in which she filed I.A.No.1 of 2022 for interim maintenance which came to be ordered in the month of December 2022. From the month of December, 2022, the petitioner is in arrears of nearly around Rs.2,50,000/-, but as on date, no amount paid by him to the respondent. The respondent was humiliated and ill-treated by the petitioner and his family members. The petitioner's mother spoke ill about respondent and her parents and there was also an attempt to misbehave with her which she resisted. Before the marriage, the petitioner represented that he is an Engineering Graduate earning Rs.25,000/- per month and the respondent and family members accepted the marriage proposal of the petitioner. Later, the respondent came to know that the petitioner is only a Diploma holder working in a private firm. Despite making handful income, he neglected to take care of the respondent. The petitioner's contention that he depended on his parents for his survival and does not have any property are all denied. The



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Additional Typed set produced before this Court now not produced at the time of enquiry before the Family Court. The documents annexed in Additional Typed set are created the case.

5.He further submitted that petitioner's pervert state of mind would reflect from the Detective Agency report submitted before this Court which clearly shows how without the knowledge of the respondent the privacy of the respondent intruded. She had been followed and tracked by the Detective Agency who also took photographs of the respondent. For adopting such type of activities, the respondent would take appropriate action against the petitioner and the Major Detective Agency, 7/36, Jawahar Road, Ramana Nagar, Perambur, Chennai. This attitude of the petitioner would clearly show that the petitioner would go to any extreme not to make payment of maintenance amount to the respondent. On the other hand, he would create documents and records to show he is not a person of means. Thus, the petitioner's attitude cannot be condoned. Hence, strongly objected for filing of the additional typed set.



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6.It is further submitted that the petitioner filed divorce petition in O.P.No.3931 of 2021 which is pending before the same Family Court. The petitioner never inclined to join respondent and continue matrimonial life. On the other hand, the petitioner caused harassment and subjected her to cruelty. The petitioner is a man of means and he is duty bound to maintain his wife/respondent. To show his bonafide, he was given sufficient opportunity to make part payment of arrears amount. Though the petitioner took three months time, so far he has not shown any inclination to make such payment. Hence, he strongly opposed this revision.

7.Considering the submissions and perusal of the materials, it is seen that the impugned order came to be passed in the month of December, 2022 ordering maintenance to the respondent, but till date the petitioner not paid single pie despite given sufficient opportunity. Added to it, the petitioner approached the above said detective agency and filed report to show the respondent is having sufficient income to maintain her. This act of the



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petitioner is highly condemnable.

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8.In view of the above, this Court is not inclined to interfere with the impugned fair and decreetal order, dated 29.12.2022 in I.A.No.1 of 2022 in O.P.No.2376 of 2021 passed by the learned Principal Judge, Principal Family Court at Chennai and the same is hereby confirmed. Accordingly, this civil revision petition stands dismissed. Consequently, connected civil miscellaneous petition is closed. No costs.

05.07.2024

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Index : Yes/No

Internet : Yes

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To

The Principal Family Court at Chennai.

Note: Issue Order Copy on 15.07.2024.



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M.NIRMAL KUMAR, J.

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