



C.R.P.(PD).No.5011 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.5011 of 2024 and
CMP.No.28147 of 2024

Dr.Vijayakumar

...

Petitioner

Versus

Tmt.S.Vinodhalatha

...

Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the entire records and set aside the orders passed by in C.R.P.No.4 of 2023 on the file of III Additional District Judge, Coimbatore confirming the order passed in C.M.P.No.21896 of 2021 on the file of Special Court for trial of Domestic Violence Act Case, Coimbatore, by allowing this civil revision petition.

For Petitioners : Mr.Ranjeeth Kumaresan
for Mr.R.Sivakumar



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ORDER

This Civil Revision Petition challenges the order dated 08.08.2024 in C.R.P.No.4 of 2023 on the file of learned III Additional District Judge, Coimbatore in confirming the order passed in C.M.P.No.21896 of 2021 on the file of Special Court for trial of Domestic Violence Act Case, Coimbatore.

2. The civil revision petitioner is the husband. The respondent is his wife. He solemnized his wedding with the respondent on 01.09.2000 at Arulmighu Patteeswarar Temple, Perur. From the wedlock, two children were born. Both the petitioner as well as the respondents are medical professionals. The civil revision petitioner is a Cardiac Anesthesiologist working at KG Hospital, Coimbatore. The respondent/wife is a Pediatrician working at Masonic Medical Center for Children at Coimbatore.

3. Pleading that the husband had inflicted domestic violence on her



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and her two children, the wife presented D.V.A.No.62 of 2021. Pending the said litigation, she filed an application in C.M.P.No.21896 of 2021 seeking for maintenance of Rs.50,000/- per month for her children and Rs.20,000/- per month towards costs for alternate accommodation. The allegation on the basis on which she sought for alternate accommodation is that the civil revision petitioner had brought one Malini, to the matrimonial home and hence, she could not continue to reside in the same home.

4. This application for maintenance was resisted by the husband. He pleaded that the wife is earning substantial income of Rs.50,000/-per month at her hospital and that the application is an offshoot to a complaint given by the husband before the Inspector of Police, Singanallur Police Station, Coimbatore on 08.03.2021. He alleged that the wife had taken away cash of Rs.2,00,000/- from home and left along with her children. He accepted that he is earning a sum of Rs.3,94,000/- per month.

5. The learned Judicial Magistrate ordered a sum of Rs.30,000/- as



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maintenance for the children and Rs.20,000/- towards rental alternate accommodation and thereby allowed the application in C.M.P.No.26896 of 2024 to the aforesaid extent.

6. Aggrieved by the same, the husband preferred a revision to the III Additional District Court, Coimbatore. This was numbered as Crl.Revision No.4 of 2023. The III Additional District Judge Coimbatore agreed with the finding of the trial Court. It came to a conclusion that the order does not warrant interference. Consequently, she dismissed the revision. Aggrieved by the same, the present revision.

7. I heard Mr.S.Ranjeeth Kumar for the civil revision petitioner.

8. Mr. Ranjeeth Kumar argues that the wife is a Pediatrician and is earning substantial income. Therefore, to demand amounts from the husband as maintenance is unsustainable. He further points out that the civil revision petitioner is taking care of her old age mother, on whom, he is



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spending a sum of Rs.15,000/- per month. In addition, the husband is servicing EM.I's for the property jointly purchased by the civil revision petitioner and the respondent. Therefore, he pleads that the order granting relief to the respondent requires interference.

9. I have carefully considered the submissions of Mr.Rajeeth Kumar and perused the records.

10. At the outset, I should point out the scope of a revision against concurrent findings by the Courts below is very limited. I can interfere if the orders of the Court below are perverse or arbitrary or the amounts that have been fixed by the the Courts below is excessive.

11.Both the Courts below have come to the conclusion that the civil revision petitioner is earning a sum of Rs. 3,94,000/- per month. The plea of the civil revision petitioner is that he is spending a sum of Rs.4,25,000/- per month. I am unaware of a Cardiac Anesthesiologist, being a financial



wizard. If there is one, it is the civil revision petitioner. He is able to spend more than what he is earning. If that be the situation, I am certain he would find the necessary funds to spent on his children and wife. The plea that the wife is earning and therefore she is not entitled to maintenance does not appeal to me. This is for the simple reason that the wife and the children, born from the wedlock, should be maintained in the same status as they would have, had they continued to reside with the civil revision petitioner. This position of law has been settled by the Supreme Court in ***Dr.Rajiv Verghese Vs.Rose Chakkramankkil Francis [2024 SCC Online SC 3367]***.

12. The Courts below have not ordered any maintenance for the wife. It has only directed the husband to pay a sum of Rs.30,000/- to the children. The children having been born to parents, who are highly educated and specialized in their area of expertise, have to be treated in a status to which they are accustomed to. Amongst the two, the daughter is studying in a prestigious institution in Coimbatore and the son has completed his



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schooling and he is looking forward to his collegiate education. I do not find the amount of Rs. 30,000/- awarded by the Court below as excessive. In fact, I would state that Courts below have taken a conservative approach and have ordered a sum of Rs.15,000/ for the children.

13. The amounts of Rs.20,000/- per month fixed for alternate accommodation also cannot be said to be excessive. The respondent pleads that she is not able to reside in the matrimonial home, since marriage got crowded with the civil revision petitioner, introducing the third person into the wedding and into matrimonial home. I do not know whether a legally wedded wife will be willing to reside in the residence along with a "friend" of her husband. That being the situation, the husband obviously has to bear the costs of not only accommodating his friend, but also his wife and children. In any event, when the husband is earning sum of nearly Rs.4,00,000/-, a sum of Rs.50,000/- cannot be said to be arbitrary. It is only around 1/8th of the income that the petitioner receives.



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14. In the light of the aforesaid discussion, this civil revision petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

To

1. The III Additional District Judge, Coimbatore
2. The Special Court for trial of Domestic Violence Act case, Coimbatore.



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V.LAKSHMINARAYANAN, J.

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