



C.R.P.(MD)No.1916 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.1916 of 2024

and

C.M.P.(MD)No.10862 of 2024

1.R.Rajasekar

Ramasamy @ Selvaraj (Deceased)

2.Parthiban

3.Pandiarajan

... Petitioners

Vs.

A.Seenivasan

... Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, against the order, dated 27.06.2024, made in C.A.No.22 of 2024, on the file of the IV Additional District and Sessions Judge, Madurai, confirming the order passed in CrI.M.P.No.706 of 2023 in D.V.C.No.208 of 2014, dated 30.11.2023 on the file of the Judicial Magistrate, Additional Mahila Court, Madurai.

For Petitioners : Mr.M.Shakulhameed

For Respondent : Party in Person



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ORDER

The present civil revision petition is filed by the husband against the order, dated 27.06.2024, passed in C.A.No.22 of 2024, on the file of the IV Additional District and Sessions Judge, Madurai, which had confirmed the order dated 30.11.2023 passed in CrI.M.P.No.706 of 2023 in DVC No.208 of 2014 on the file of the Judicial Magistrate (Additional Mahila Court) Madurai.

2. The D.V.C.No.208 of 2014 was filed by the wife inter alia praying to return the srithana articles one sovereign ring, 25 grams gold chain and Rs. 20,000/- cash, residence or rent for the residence, Rs.10,000/- as maintenance and compensation of Rs.20,00,000/- and Rs.19,37,783/- expenses meet out by the father of the wife to the child and wife. However, the petition is filed by the father of the wife, due to her immobility because of the accident occurred on 03.12.2000.



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3. The 1st respondent in the DVC petition is the husband, the 2nd respondent is the father-in-law, 3rd respondent is the brother of 1st respondent and the 4th respondent is the husband of 1st respondent's sister.

4. The marriage between the parties was solemnized on 27.08.1997 and they were living together for eight months, then a son was born out of the marriage and were separated. Now, the son is 26 years old.

5. The contention of the petitioner in the DVC petition is that his daughter was harassed and disrespected right from the day one. They were not getting along and there were disputes each and every day. After eight months they were separated. The allegation against the husband is that he had never paid money even for food for the wife and son. However, it is seen that the wife has not filed any divorce petition and separate maintenance petition. Further the father of the wife has filed the DVC and in this petition the wife had sought for maintenance and other reliefs.



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6. Pending DVC petition, the husband had filed CrI.M.P.No.706 of 2023 under section 311 of Criminal Procedure Code to recall the PW1 to PW4 for cross examination and the same was dismissed. Aggrieved over the same, C.A.No.22 of 2024 was filed and the same was dismissed. Aggrieved over the same, the present civil revision petition is filed.

7. The contention of the father of the wife is that the husband, the 1st revision petitioner herein, has not paid even a single penny, not even paid for the food to both the wife and the child. The father had provided food and shelter to his daughter and the grandson. Further, the son was not taken care by the husband right from his birth. The father of the wife is taking care of both wife and the son. Hence the same amount to domestic violence attracting the provisions under Section 18 to 20, 22 and 23. This Court is of the considered opinion that if the petition is filed against the husband alone, then the petition may be entertainable.



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8. But it is seen that the petition is filed not only against the husband but also against the husband's father, husband's brother and husband's sister's husband. It is totally unnecessary to file a case against the husband of the sister. The Hon'ble Supreme Court has held that the DVC cannot be misused. Therefore, this Court is of the considered opinion that when the dispute is between the husband and wife, the wife herself could have filed a petition for maintenance. The wife might have met with the accident, but as on date she is fit to participate in the legal proceedings. Therefore, this Court directed the parties to appear before this Court and the parties had appeared. Especially the wife had also appeared and she is fit and answered the questions put forth by the Court. Hence, this Court attempted to settle the issue between the parties. After interacting with the parties, this Court felt if the husband is paying Rs.15,00,000/- for the wife and Rs.10,00,000/- for the son, the same would be sufficient and all the legal proceedings would come to an end. But the husband is refusing to pay Rs. 10,00,000/- to the son but undertakes to bear the expenses of the marriage of the son.



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9. This Court is of the considered opinion that the wife is entitled to Rs. 15,00,000/-. Therefore, the husband / 1st revision petitioner herein is directed to pay Rs.15,00,000/- and the same shall be paid in three installments. The 1st installment of Rs.5,00,000/- shall be paid on or before 30.11.2024, the 2nd installment of Rs.5,00,000/- shall be paid on or before 31.12.2024 and the 3rd installment of Rs.5,00,000/- shall be paid on or before 31.01.2025. As far as the maintenance for the son is concerned, the husband has submitted that he is ready and willing to conduct the marriage of the son but the wife disbelieved the same because she cannot run against the husband to recover the same. Therefore, this Court is of the considered opinion that the son is entitled to Rs.10,00,000/- and the same shall be paid by the husband/ 1st revision petitioner herein in two installments. The 1st installment of Rs.5,00,000/- shall be paid on or before 28.02.2025 and the 2nd installment of Rs.5,00,000/- shall be paid on or before 31.03.2025. After the payment of the entire amount, the parties are directed to file petition in D.V.C.No.208 of 2014 on the file of the Judicial Magistrate, Mahila



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Court, Madurai and the DVC petition may be closed in terms of the aforesaid payment.

10. With the above said directions, the civil revision petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

24.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

Tmg

To

1. IV Additional District and Sessions Judge,
Madurai.
2. Judicial Magistrate, Additional Mahila Court,
Madurai.
3. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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