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C.R.P.(PD).No. 246 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.03.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No. 246 of 2025

&

C.M.P.No. 1585 of 2025

E.Kesavan

...Petitioner

Vs.

K.Ananthavalli

...Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 02.01.2018 passed in FCIA.No.528 of 2017 in FCOP.No.3 of 2017 on the file of the Family Court, Chengalpattu.

For Petitioner : Mr. M.Muthappan

For Respondent : No Appearance.



ORDER

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Challenging the grant of interim maintenance of Rs.4000/- and litigation expenses of Rs.5000/- to the wife, the husband has preferred this petition. The case of the husband is that he was employed as a driver with the Airport Authority of India and was a married man with two sons. He was residing at Guduvancheri. The respondent was working as a Home Guard at Tambaram Police Station. The two of them used to travel together for work in an electric train, where they got acquainted and the acquaintance had deepened into a relationship.

2. Taking advantage of this the respondent compelled the petitioner to marry her. The petitioner refused the proposal by stating that he was already married. It is his contention that once while traveling together she had fed the petitioner with some eatables which drugged him and she had created a document and taking advantage of this on 19.01.2012, she had created marriage certificate at office of the Sub Registrar, Royapuram.



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3. The petitioner would submit that the respondent was also married at that time and having children. Despite such marriage both persons continued to live separately in their respective homes with their respective families. Therefore, the petitioner decided to divorce the respondent and had filed HMOP.No.1107 of 2013 seeking nullity of the marriage. The petition was filed before the Family Court, Chennai as the marriage has been registered at Royapuram.

4. Thereafter the respondent filed transfer petition and the petition was transferred to the file of the Family Court, Chengalpattu and re-numbered as FCOP.No.3 of 2017. Pending the proceedings respondent filed an application for interim maintenance.

5. The learned Family Judge, Chengalpattu, without considering objections of the petitioner had granted a sum of Rs.4000/- per month and Rs.5000/- towards costs.



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6. Challenging this order the petitioner is before this Court.

7. Heard the learned counsel for the petitioner.

8. Although the petitioner has taken a stand that the respondent was already married, in the counter statement the respondent has categorically denied the statement and put the petitioner to strict proof of the allegations. She had also denied that she had manipulated the marriage with the petitioner and on the contrary she would submit that these allegations are made only with the sole mala fide intent of avoiding to maintain the respondent.

9. The petitioner has not proved the fact that the respondent is already married and that she is capable of maintaining herself. The HMOP is still pending and it is for the petitioner to prove his case. Till such time the petitioner is liable to maintain the respondent. The learned Family Judge, Chengalpattu, has ordered a maintenance amount of Rs.4000/- and I see no reason to interfere with the same.



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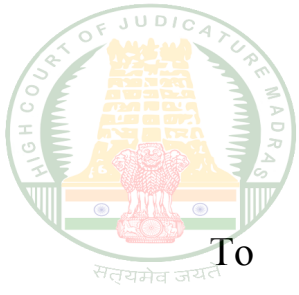
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10. The civil revision petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

13.03.2025

Index : Yes/No
Internet : Yes/No

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To

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The Family Judge,
Chengalpattu.



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P.T. ASHA, J,

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