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C.R.P.No.696 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

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THE HONOURABLE MR. JUSTICE P.B.BALAJI

C.R.P.No.696 of 2025 and
C.M.P.No.3959 of 2025

R.Keerthi

... Petitioner

Vs.

R.Premalatha

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to allow this Civil Revision Petition and to set aside the order and decree in I.A.No. 3 of 2024 in O.P.No. 555 of 2024 dated 18.01.2025 on the file of the VII Additional Principal Judge, Family Court, Chennai.

For Petitioner : Mr.S.Krishnasamy
For Respondent : Mr.R.Barnabas

ORDER

Heard Mr.S.Krishnasamy, learned counsel for the petitioner/husband and Mr.R.Barnabas, learned counsel for the respondent/wife.

2. Pending divorce proceedings initiated by the husband in O.P.No.555 of 2024 before the VII Additional Principal Judge, Family Court, Chennai, the respondent/wife filed an application under Section 26 of Protection of Women from Domestic Violence Act, 2005 for providing a



residence for the respondent.

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3. The Family Court, in and by order dated 18.01.2025, allowed the application finding that revision petitioner has not paid any amount for the maintenance of the wife and the child and since Section 17 of the Act provides for a right to reside in the shared household, whether or not the wife has any right, title or beneficial interest in the same, the Family Court proceeded to allow the application. The prayer in said I.A.No.3 of 2024 was only for shared household at Ambattur, Chennai. The said order was challenged before this Court by the revision petitioner and at the time of admission, after posting the matter for orders in the presence of the respondent, this Court noted that the conduct of the wife is not bonafide and after the husband has taken a separate property on rent, the wife has changed her stand that she must live closer to the place where her son is studying. This Court also noted that the prayer in IA.No.3 of 2024 before the family court was only for joint residence at Redhills and not in Ashok nagar. In furtherance of the order of this Court, the revision petitioner had identified the property and also entered into a lease agreement with the landlord and he has been paying rent for the property, for the respondent to occupy the same. It is also admitted that the said property is in Villivakkam, where the petitioner was residing at the time of filing application in I.A.No.3 of 2024. The



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petitioner has therefore taken all diligent steps to ensure that the respondent is provided a decent residential accommodation. However, as noted by this Court in the order dated 15.04.2025 that the wife's conduct is not bonafide and she changes her goal post everytime, the petitioner/husband comes forward to accept the demands of the respondent.

4. In the light of the above, it is open to the respondent/wife to accept the rental accommodation that has been identified by the petitioner for the residence of the respondent and minor son. In view of the original prayer sought for in I.A.No.3 of 2024 seeking for residence in the shared house at Ambattur, Chennai where the petitioner originally resided and the petitioner having also taken a rental residential accommodation for the exclusive purpose of accommodating the respondent/wife and the minor son, I do not see how the application under Section 26 can be entertained at this length of time, especially in the light of the position having been altered pursuant to the orders of this Court dated 15.04.2025. The respondent, who is present in person states she is not willing to occupy the residential house that has been identified by the petitioner. Recording the said submission of the respondent who has appeared in person and expressed her unwillingness, I am inclined to set aside the order passed in I.A.No.3 of 2024.

5. It is also brought to my notice by the counsel for the respondent



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the maintenance application that has been filed by the respondent is pending and interim order has been passed fixing a sum of Rs.12,000/- payable to both wife and minor son. It is also the submission of the learned counsel for the respondent that the said amount has not been paid till date. In the event of any such order having been passed and in view of the fact that the petitioner has taken up a property for the residence of the respondent and has been paying rent of Rs.5,000/-, it is directed that any arrears payable towards maintenance to the wife and minor son shall be settled within a period of twelve weeks from the date of receipt of copy of this order.

6. In view of the above, this Civil Revision Petition stands allowed.

No costs. Consequently, the connected miscellaneous petition is closed.

29.07.2025

Index: Yes/No

Speaking Order : Yes/No

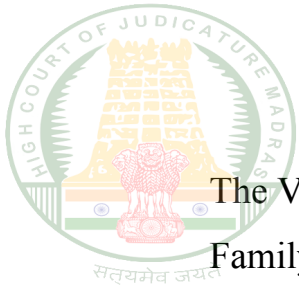
Neutral Citation Case : Yes/No

nr

P.B.BALAJI, J.

nr

To



The VII Additional Principal Judge,
Family Court, Chennai.

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