



WEB COPY

CRL RC No. 1093 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1093 of 2025

AND

CRL MP NO. 13915 of 2025

Sandhosh Murugesan
rep. By his power agent
V.Murugesan

Petitioner

Vs

Saparnaa Rajendran
rep. By her power agent
N.R.Rajendran

Respondent

CRL RC No. 1093 of 2025

PRAYER

To set aside the fare and final order dated 29.05.2024 made in M.C.No.41 of 2018 on the file of Family Court, Erode and to allow the above Crl.R.C.

For Petitioner: Mr.D.Selvaraju

For Respondent: Mr. J. Ranjith Kumar



ORDER

Challenging the impugned order passed by the Family Court, Erode in M.C.No.41 of 2018, the petitioner/husband preferred this Criminal Revision Petition.

2. The petitioner prayed to set aside the findings of Family Court by raising the following grounds :-

(i) The learned Judge went wrong in allowing the maintenance petition by not considering the fact that the respondent/wife had already invoked the jurisdiction of Court in America and got an award of maintenance as post separation support in the General Court of justice, District Court Division, State of North Carolina, Country of Mecklenburg in 16-CVD-19729 (GLH) on 23.10.2017, hence for the same cause, the petitioner cannot invoke the jurisdiction of trial court in India, which is a double jeopardy and hit by the principle of resjudicata.

(ii) The learned Judge erred in not considering the fact that the respondent wife got married in the second marriage in 2017 itself. The date of marriage as alleged to be 25.01.2021 by the respondent/wife is false as it is proved by the invitation of marriage on 10.02.2021 the Ex.R2 makes it clear the respondent is giving different dates as the date of second marriage one for the registration (25.01.2021) and another fee for a celebration (10.02.2021) which makes it clear that the



respondent is concealing the actual date of second marriage, which took place in 2017 and come forward with false statement for the purpose of extracting money from the petitioner/husband.

(iii) The learned judge ought to have dismissed the maintenance petition as not maintainable for the reason that the respondent/wife herself had averred in the petition itself that she had already invoked the jurisdiction of the American Court for the very same purpose for getting maintenance.

(iv) The learned Judge went wrong in not considering general law that no litigant can invoke the jurisdiction of two different countries by filing cases in both the countries for one and the same cause, which is a double jeopardy.

(v) The learned judge failed to see that the respondent/wife having accepted the verdict of the Court in America (North Carolina) in so far as the decree of divorce is concerned, she herself invoked the jurisdiction of the court in America by filing a petition to get the maintenance, which is termed as post separation support in American Law and obtained an order for her maintenance and received the maintenance in total Rs.22,50,000/- as awarded by American Court, cannot seek any remedy in the Indian Court.

By submitting the aforesaid grounds, the learned counsel for petitioner would submit that the respondent has already received a sum of Rs.22,00,000/- as



maintenance from American Court by granting divorce, thereafter, she is not entitled to seek maintenance from the year 2018. Therefore, he challenged the said order.

3. By way of reply, the learned counsel for respondent raised objections stating that for one year period only, the maintenance was ordered, thereafter, she came back to India and she has no source of income and she is depending upon her parents. Hence, she filed a petition for maintenance in M.C.No.41 of 2018 claiming for maintenance and the trial court has also ordered for maintenance of Rs.25,000/- to the petitioner from 04.08.2018 till the date of remarriage of petitioner i.e. 24.01.2021 along with cost of Rs.5000/-.

4. As on date, the respondent has got marriage, but for the period which she stayed at her parents custody to till re-marriage was considered by the trial court and ordered for maintenance, which requires no interference. As on date, both were at U.S.A. and both have appeared through Video conference. When this court enquired, both of them have thrown allegations each other and the respondent wife also contended that still jewels not returned to her. But, before the American Court or during the maintenance claim proceedings before the



trial court, she has not raised any such allegations nor given any evidence that jewels are under the custody of petitioner husband. The petitioner husband also submitted through video conference that all the jewels are in custody of herself and so far, she has not claimed any articles belong to her. Therefore, objections raised by the respondent/wife with regard to articles not acceptable one, but considering the entire claim of maintenance, now the petitioner husband has challenged the same. As on date, for the window period 2019 to till she got married, the court had passed an order, however, to put a quietus end, the petitioner is directed to pay a sum of Rs.5,00,000/- towards settlement to the respondent wife either to deposit the same to her account or to deposit before the trial court or to pay through her counsel within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this Criminal Revision Case is disposed of. Consequently, the connected Criminal Miscellaneous Petition is closed.

11.11.2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

Family Court, Erode.



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T.V.THAMILSELVI J.

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