



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 05.11.2025

Order pronounced on : 14.11.2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.4124 of 2024

Dhanakotty

... Petitioner

Vs.

1.Panchavarnam

2.Siansia

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order dated 03.11.2020 made in D.V.C.No.20 of 2020, passed by the Additional Mahila Court (Magisterial Leval), Tiruvannamalai, confirmed by the judgment dated 22.03.2024 in Crl.A.No.1 of 2021 passed by the Principal Sessions Court, Tiruvannamalai.

For Petitioners : Mr.B.Jawahar

For Respondents : Mr.P.Rajamani

ORDER

The husband, aggrieved by the order passed in the Domestic Violence proceedings on the file of the Additional Mahila Court, Thiruvannamalai, in



D.V.C.No.2 of 2020 and confirmed in Crl.A.No.1 of 2021 on the file of the Principal Sessions Court, Thiruvannamalai, is the revision petitioner.

2.I have heard Mr.B.Jawahar, learned counsel for the petitioner and Mr.P.Rajamani, learned counsel for the respondents viz., wife and daughter.

3.Mr.B.Jawahar, learned counsel for the petitioner would contend that though several grounds have been raised in the memorandum of grounds of revision, the petitioner, on instructions, would submit that the petitioner is willing to accept the order, granting maintenance at the rate of Rs.9,000/- and clear the entire arrears, provided reasonable time is granted and he limits his arguments only in respect of the restraint regarding enjoyment of the separate properties standing in the name of the petitioner.

4.Mr.B.Jawahar, learned counsel for the petitioner would further contend that even pending the domestic violence proceedings, the petitioner has purchased a property of an extent of 4 acres and 62 cents in the name of the daughter and further, he has also settled an extent of 25 cents in favour of the daughter and therefore, the petitioner has adequately protected the interest



of the respondents and without considering the same, the Courts below have proceeded to restrain the petitioner from encumbering or alienating the properties belonging to him. He would further contend that such prohibitory orders cannot be passed by the Courts under the provisions of the Domestic Violence Act and further, he would state that when the petitioner, who is aged about 70 + years is finding it difficult to even maintain himself and when he has already given adequate immovable properties to his daughter, he should not be additionally prevented from enjoying his own properties, which is only source of his livelihood. He would therefore prays for suitable orders being passed in the revision.

5.Per contra, Mr.P.Rajamani, learned counsel appearing for the respondents would submit that the petitioner has harassed the first respondent even since the date of marriage in 1987 and the petitioner has also had an illicit affair with one Kamatchi for several years and has allowed the respondents to starve on several occasions, without giving them even basic necessities of food and shelter, leave alone education to the daughter. He would also contend that the respondents are not even able to meet the medical expenses and despite the order granting maintenance at the rate of Rs.9,000/-,



till date, no amount has been paid and more than Rs.17,00,000/- is due and payable. The learned counsel for the respondents would further state that the petitioner got 27 acres of lands, from and out of his ancestral property and he has already disposed of approximately 14 acres and if he is permitted to encumber the remaining properties as well, then the respondents will not be in a position to get any protection which would defeat the very order passed by the Courts below concurrently. The learned counsel for the respondents would further contend that even the settlement deed executed in respect of 25 cents is not an absolute deed of settlement and the petitioner has retained life interest. He would therefore pray for dismissal of the revision petition.

6.I have carefully considered the submissions advanced by the learned counsel on either side.

7.As regards, the award of maintenance at the rate of Rs.9,000/-, I find that the Additional Mahila Judge, Thiruvannamalai, has rightly taken into account the relevant factors, the age of the parties and also the amounts that would be necessary to enable the respondents to live comfortably and proceeded to award Rs.9,000/- per month. The learned Principal Sessions



Judge, Thiruvannamalai, has also confirmed the said findings and has found that the order of the learned Additional Mahila Judge, does not require any interference in this regard.

8.Insofar as the restraint or alienation of the separate properties of the petitioner, I am unable to sustain the findings of the Courts below. Admittedly, the petitioner has settled a vast extent of 4 acres 62 cents in favour of his daughter, pending the proceedings before the Additional Mahila Court and settled another extent of 25 cents in favour of the daughter, pending the Domestic Violence proceedings. However, as rightly contended by the learned counsel for the respondents, the settlement is not an absolute deed of transfer of interest and the petitioner has retained a life interest and the settlee viz., his daughter would get benefit only after the demise of the petitioner. Therefore, it is not fair on the part of petitioner to contend that he has also settled an extent of 25 cents of valuable immovable property, which is a house site in favour of his daughter.

9.Insofar the purchase of 4 acres 60 cents in favour of the daughter, the same is admitted even by the respondents and the purchase has been effected



by way of sale deed dated 25.04.2013, which has been marked as Ex.R10 during trial. The petitioner has also paid a further sum of Rs.2,50,000/- to the Electricity Department in Ex.R7 in the name of the 2nd respondent, even though the 2nd respondent was a major, at that point of time. Therefore it cannot be stated that the petitioner has totally neglected the respondents altogether.

10.No doubt, the petitioner has not paid any amount towards maintenance, despite the order of the Additional Mahila Court. However, he has challenged the order before the Principal Sessions Court, Thiruvannamalai, and thereafter, before this Court. Therefore, the non-compliance cannot be said to be willful or wanton. In any event, considering the fact that the petitioner is now willing to clear the entire arrears of maintenance at the rate of Rs.9,000/- and he seeks only reasonable time, I see no reason why the award of maintenance at the rate of Rs.9,000/- should not be confirmed. Therefore, the award of maintenance at the rate of Rs.9,000/- to the respondents is confirmed and the petitioner shall clear the entire arrears of maintenance payable by him, within a period of eight (8) weeks from the date of receipt of a copy of this order.



WEB COPY

11. Insofar as the order restraining the petitioner from enjoying his properties, admittedly, there is no shared household and the parties viz., the petitioner and the 1st respondent are living separately for more than a decade. The said position is not in dispute. Further, when the petitioner has given substantial properties to the daughter, with whom the wife of the petitioner, 1st respondent lives, I do not see how the Courts were justified in passing an order restraining the petitioner from dealing with any of his properties. The said order is beyond the scope of powers conferred under the provisions of the Domestic Violence Act and therefore, the said prohibitory order is clearly unsustainable in the eye of law and the same is liable to be set aside.

12. At the same time, the petitioner, though claims that he has settled his valuable property of 25 cents which is the house property on the daughter, admittedly, it is not an absolute settlement deed. Therefore, in order to confer absolute right and title in favour of the 2nd respondent, the petitioner shall execute and register necessary document, relinquishing his life interest in favour of the settlee viz., the 2nd respondent, his daughter. The said exercise shall be carried out within a period of four weeks from date of receipt of the



copy of the order.

13. With the above modifications and directions, the Civil Revision Petition is partly allowed in the manner following:-

(i) Clause 5 of the order dated 03.11.2020 in D.V.C.No.20 of 2020 on the file of the Additional Mahila Court (Magistrate Level), Tiruvannamalai, and confirmed by the judgment dated 22.03.2024 in Crl.A.No.1 of 2021 on the file of the Principal Sessions Court, Tiruvannamalai, is confirmed.

(ii) Clause 2 of the order dated 03.11.2020 in D.V.C.No.20 of 2020 on the file of the Additional Mahila Court (Magistrate Level), Tiruvannamalai, and confirmed by the judgment dated 22.03.2024 in Crl.A.No.1 of 2021 dated 22.03.2024, is set aside.

(iii) The petitioner shall pay the entire arrears of maintenance at the rate of Rs.9,000/- per month payable from 15.09.2009 till 31.10.2025, within a period of eight (8) weeks from the date of receipt of copy of the order.

(iv) The petitioner shall continue to pay the amount of Rs.9,000/- to the respondents in future, without any default, on or before the 10th of every succeeding month.

(v) The petitioner shall withdraw or surrender his life interest reserved in the settlement deed executed by him in favour of his daughter, the 2nd



respondent, in and by the document dated 25.03.2010, by executing and registering the necessary document, within a period of four weeks from the date of receipt of a copy of this order.

(vi) There shall be no order as to costs.

14.11.2025

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
rkp

To

- 1.The Additional Mahila Court (Magistrate Level), Tiruvannamalai.
- 2.The Principal Sessions court, Tiruvannamalai.



WEB COPY



P.B. BALAJI,J.

rkp

Pre-delivery order made in
CRP.No.4124 of 2024

14.11.2025