



C.R..P.(MD).No.1542 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(MD)No.1542 of 2025

and

C.M.P.(MD)No.7864 of 2025

Annadurai

... Petitioner

Vs.

Pandeeswari

... Respondent

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to set aside the order passed by the Additional District Sessions Court, Paramakudi in Crl.A.No.01 of 2023 dated 22.01.2024.

For Petitioner : Mr.K.Poovalingam

ORDER

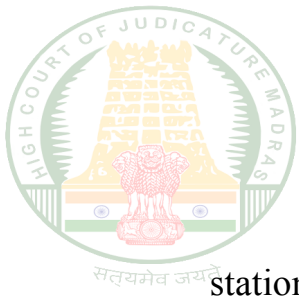
This Civil Revision Petition is filed challenging the order passed in Crl.A.No.01 of 2023 dated 22.01.2024 by the Additional District Sessions Court, Paramakudi.



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2.The marriage between the petitioner and the respondent was solemnized on 17.11.1995. Out of wedlock, they were blessed with two children. Thereafter, there was a matrimonial dispute between them. In this regard, the respondent filed a complaint as against the petitioner in C.C.No. 115 of 2016 and the same is pending. The petitioner has also filed a divorce petition in H.M.O.P.No.115 of 2023 on the file of the Sub Court, Aruppukottai. In counter, the respondent filed a petition for restitution of conjugal rights in H.M.O.P.No.116 of 2023. The said petitions are also pending. In the meanwhile, the respondent filed maintenance case under Section 125 of Cr.P.C., in M.C.No.4 of 2007. The trial Court by order dated 28.03.2008 directed the petitioner to pay a sum of Rs.10,000/- per month towards maintenance. Apart from that the respondent filed a petition in D.V.C.No.4 of 2020 seeking enhancement of maintenance amount, residential status and return of sridhana articles from the petitioner. The trial Court by an order dated 01.12.2022 has passed an order granting residential status to the respondent in the petitioner's house and dismissed the other reliefs of enhancement of maintenance, return of gold jewels and other sridhana articles stating that there is a recording that the jewels were returned to the respondent during the mediation proceedings before the concerned police



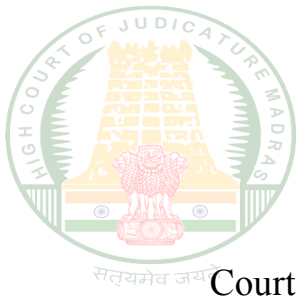
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station. Challenging the said order granting residential status to the respondent, the petitioner preferred an appeal before the Lower Appellate Court in CrI.A.No.01 of 2023 and the same was dismissed. Aggrieved by the same, the petitioner has preferred the present Civil Revision Petition.

3.The learned counsel for the petitioner would submit that admittedly, the respondent and her two children are residing in the petitioner's house. The respondent claims that the petitioner continues matrimonial relationship along with the respondent, though he has got married with the another women. Whereas, the petitioner submits that the respondent deserted the petitioner for more than past 15 years and she was maintained by his relative. He further submits that the alleged second marriage with another women was not proved before the trial Court. However, the trial Court ordered for residential status. Hence, the petitioner seeks appropriate orders.

4.The fact in the present case is not disputed. In the matrimonial dispute between the petitioner and respondent, there are many number cases pending in different Courts including this Court. Apart from that the respondent filed a domestic case before the trial Court, in which the trial



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Court had granted for residential status, however, refused for grant of enhancement of maintenance on the ground that in an appeal against the order of maintenance, this Court has directed the petitioner to pay a sum of Rs.10,000/- towards maintenance and also refused to return the sridhana articles on the ground that all the sridhana articles were returned to the petitioner even before the police station.

5.Except the relief of residential status, no other relief was granted by the trial Court. Admittedly, even as on date the respondent is the wife of the petitioner and their marriage is not dissolved by any Court of law. Hence, the respondent is entitled to continue her residential status in her matrimonial house viz., petitioner's house. The trial Court has rightly appreciated all the facts and dismissed the appeal filed by the petitioner and the same need not be interfered. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.06.2025

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

- 1.The Additional District Sessions Court, Paramakudi
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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