

**IN THE COURT OF THE PRINCIPAL JUDGE,  
CITY CIVIL COURT AT CHENNAI**

**Present: Thiru S. Karthikeyan, M.A., M.L., M.Sc., P.G.D.C.F.Sc., P.G.D.D.F.,  
Principal Sessions Judge**

**Wednesday, the 24<sup>th</sup> day of September, 2025**

Crl.M.P.No. 1/ 2025

in

Crl.A.No. 448/2025

in

D.V.C.No. 60/2022

P. Rama Chandran,

... Petitioner/Appellant/2nd respondent

Vs.

Mrs. R.Vijaya,

... Respondent/Respondent/Petitioner

This petition came up before this court on 12.09.2025 for final hearing in the presence of M/s. C.R.Malarvannan, T.Vijayakumar, Dhilip Roshan O.G., Counsel for the petitioner/appellant and of the M/s. Ansar.S, Counsel for the respondent/respondent/petitioner and upon hearing both side arguments and upon perusing the records, this court delivered the following:-

**ORDER**

1. The petitioner/appellant/2nd respondent has presented this present application to stay the Judgment passed by the learned XVII Metropolitan Magistrate, Saidapet, Chennai in D.V.C. No. 60/2022 dated 05.03.2025.

**2. The petitioner in his petition submitted as below:**

The petitioner/appellant was arrayed as the 2<sup>nd</sup> respondent by the respondent herein as he is her Father in Law. The court had ordered him to pay Rs 1 lakh as

monthly maintenance to the respondent on or before every 5<sup>th</sup> of English Calendar month and the same shall be paid till separate possession of the share of the respondent and her minor daughter in the joint property is handed over or any other lawful settlement is made in their favour. He had preferred the accompanying appeal raising substantial grounds against the Judgment of the court and hence, he had a fair chance to succeed in the appeal. He had never committed any form of domestic violence on the respondent and nowhere in the Judgment, it is found that he had committed any domestic violence. He is a aged person and has to look after his family and already he lost his son and has not come out of that shock yet. Eventually, he cannot pay such huge amount as maintenance to the respondent since he has to take care of expenses including medical expenses of his family. Hence, the petitioner prays to stay the Judgment passed by the learned XVII Metropolitan Magistrate, Saidapet, Chennai in D.V.C. No. 60/2022 dated 05.03.2025.

**3. The respondent entered appearance through his counsel and filed counter is as follows:-**

**3.1.** The respondent husband (late) was the co-owner of the property and managed the operation of the petrol station as rightful partner having only source of income from petrol station, after the respondent husband died the appellant took over the possession of the petrol station and deprived the complainant of financial resources therefore amounts to economic abuse. The respondent husband is the co-owner of the property and managed the operation of the petrol station as rightful partner having only source of income from petrol station.

**3.2.** After the death of the respondent's husband, the appellant took over the possession of the petrol station entirely besides lease out remaining land for running service station and deprived the complainant of financial resources therefore amounts to economic abuse. Domestic violence is defined u/s. 3 of the DV Act, as under definition of domestic violence, for the purpose of this Act, omission or commission or conduct of the respondent shall constitute domestic violence in this case.

**3.3.** The economic abuse includes deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance.

**3.4.** The privy council held that as the evidence did not show any intent to defraud on the part of the appellant no contempt was committed, at the most he had committed an irregularity for which some pecuniary penalty was adequate punishment. The importance of this case for our purpose is that had the privy council felt satisfied about intent to defraud, the appeal would have been dismissed and the view taken by the Supreme Court of Sierra Leone that the appellant was guilty of contempt would have been upheld. What emerges from this decision is that if a person does anything to defraud the court, he commits its contempt.

**3.5.** Hence this court not only dismiss the stay petition and to initiate criminal contempt action against the appellant as he did not approach this court with clean

hands legally in view of the law laid down by the Apex court, deliberate suppression of material facts amounts to criminal contempt and pass such further or other orders. Hence, considering the above, he prays to dismiss this petition.

4. Both side submissions heard. Both sides counter and materials perused. Trial courts records perused.

5. The point for determination:

Whether the order of the learned Metropolitan Magistrate in DVC.No. 60/2022 dated 05.03.2025 stayed or not?

6. Answer:

**6.1.** The learned counsel for the petitioner submitted that he was arrayed as the 2<sup>nd</sup> respondent by the respondent herein as he is her Father in Law. The court had ordered him to pay Rs 1 lakh as monthly maintenance to the respondent on or before every 5<sup>th</sup> of English Calendar month and the same shall be paid till separate possession of the share of the respondent and her minor daughter in the joint property is handed over or any other lawful settlement is made in their favour. He had preferred the accompanying appeal raising substantial grounds against the Judgment of the court and hence, he had a fair chance to succeed in the appeal. He had never committed any form of domestic violence on the respondent and nowhere in the Judgment, it is found that he had committed any domestic violence. He is a aged person and has to look after his family and already he lost his son and has not come out of that shock yet. Further, he cannot pay such huge amount as maintenance to the respondent since he has to take care of expenses including medical expenses of his family. Hence, the petitioner prays to stay the Judgment passed by the learned XVII Metropolitan Magistrate, Saidapet, Chennai in D.V.C. No. 60/2022 dated 05.03.2025.

**6.2.** The learned counsel for the respondent contended that the appellant has suppressed several facts and as a result, the appeal has no chance of succeeding. The respondent is implicated in the economic offence perpetrated by the appellant. The appellant's son name vijay was Managing the Petrol station but has deliberately concealed the facts for the third time in this affidavit, claiming that he lost his son.

**6.3.** Domestic violence is defined u/s. 3 of the DV Act, as under definition of domestic violence, for the purpose of this act, omission or commission or conduct of the respondent shall constitute domestic violence in this case. The economic abuse includes deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance

**6.4.** The petitioner enjoys the entire property without sharing even a single pie with the petitioner and her minor child or even paying the rent for enjoying the half share of the deceased husband of the petitioner in the property. The MM court finds Rs. 1 lakh as the fit amount for monthly maintenance, considering the market rental value of the property and profit of the petrol bunk business. Therefore, considering all prays to dismiss this petition.

**7.** This Court has given its thoughtful consideration to the rival submissions put forth by either side.

**8.** On perusal of records, it is found that the petitioner/appellant is the 2<sup>nd</sup> respondent in DVC. No. 60/2022. The learned Metropolitan Magistrate in DVC.No. 60/2022, by order dated 05.03.2025 directing the appellant to pay monthly

maintenance of Rs.1 lakh per month on or before 5<sup>th</sup> of every English Calander month by money transfer to the bank account of the Petitioner. The same shall be paid by the appellant from the date of the application till separate possession of the share of the Petitioner and her minor daughter in the joint property is handed over or any other lawful settlement is made in favor of the respondent and her minor daughter. The arrears of monthly maintenance and litigation costs of Rs. 25,000/- to the petitioner shall be paid with in two months from the date of the order.

9. Aggrieved by the same, the petitioner has filed the present petition before this court on the grounds that the order of maintenance passed under the domestic violence Act is not sustainable as no domestic violence is committed by the Appellant herein. The learned counsel for the appellant contended that the magistrate has failed to see the monetary relief under the Act is in addition to the order passed u/s. 12, but in the absence of any order u/s. 12 this monetary relief alone cannot be granted. The learned counsel for the petitioner further contended that the direction that the maintenance is to be paid till the said share of the Petitioner and her minor daughter in the joint property is handed over is not at all maintainable. Further, fixing the quantum on seeing the balance sheet, profit and loss account and income tax returns of the petrol bunk namely Shri. Ganesh Agency for the older period without discussing the same is also unsustainable.

10. Per contra, the learned respondent submitted that the Act, in omission or commission or conduct of the respondent shall constitute domestic violence in this case. The economic abuse includes deprivation of all or any economic or financial

resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance.

**11.** In the present case, the respondent husband is the co-owner of the property and he was said to have managed the operation of the petrol station as rightful partner. After the death of the respondent's husband, the appellant is said to have taken over the possession of the petrol station entirely and said to have leased out remaining land for running service station and deprived the complainant of her financial resources and therefore it amounts to economic abuse.

**12.** The learned counsel for the respondent relied the decision of the Hon'ble High Court, in the judgment in a case Mr. Dajvip V. Patkar, Vs. Mrs. Vina D. Patkar reported in 2016 All MR (Cri) 1475. It is held that “ the application under the provision of DV Act or in addition and not in derogation of any other law for time being in force. The appellant has not explained as to how he managed to run the business in the joint property of the 2<sup>nd</sup> respondent and the deceased husband of the petitioner after demise of the petitioner's husband without getting consent of the petitioner and her daughter as legal heirs. After his demise, he never obtained any consent or permission from the petitioner to run his business and submitted before the

Indian Oil corporation. To run the petrol bunk, they should have submitted the lease agreement or any other form of the consent in respect of the share of the petitioner and her child in the property. He convinced to get the licence to renew with the Indian Oil corporation. The 2<sup>nd</sup> respondent conveniently enjoys the entire property without sharing to her and her minor child or even paying the rent for enjoying the half share of the deceased husband of the petitioner in the property.

**13.** The learned counsel for the respondent relied the decision of the Hon'ble Apex Court, in a case Chandra Shashi Vs. Anilkumar Verma reported in 1995 1 SCC 421, it is held that anyone who takes recourse to fraud, deflects the course of judicial proceedings, or if anything is done with oblique motive, the same interferes with the administration of justice. The act of appellant herein is nothing but willful and contempt, therefore, the respondent prays for dismissal of the said petition.

**14.** The primary contention in the appeal is that after the demise, the deceased partner has no interest in the partnership business. The legal heirs of the deceased partner has no shares in the partner ship business. Therefore, according to the learned counsel for the appellant the order of the learned Metropolitan Magistrate determining monthly compensation based on the income of the partnership business is wrong. Further contention of the learned appellant is that already a suit was filed and pending before the Civil Court and in the pendency of the civil court the respondent herein cannot claim her right in these proceedings.



**15.** The rival contention of the parties cannot be adjudicated in this stay petition as it is a matter of appeal. The appellant has makes out a prima facie case as the legal heirs of the deceased partner has no right or interest in the partner ship firm and the quantum of monetary relief was fixed based on the income of the partnership firm. Therefore, this court is inclined to make the interim stay absolute till the disposal of the appeal.

Accordingly, this petition is allowed.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the open Court, this the 24<sup>th</sup> day of September, 2025.

**Principal Sessions Judge.  
Chennai**