

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE(FTC),
VELLORE,VELLORE DISTRICT.

PRESENT: Tmt.P.REVATHY, M.A.,M.L.,
Additional District Judge(FTC),Vellore.

Dated this the 20th day of February 2024, Tuesday

I.A.No.1/2022 in
HMCMA NO.19/2022

- - -

P.Sinduja,
W/o.Dr.B.Saravanakumar,
No.22/1, P.T.Yogalingam Street,
Arcot – 632 503, Vellore District.

...Petitioner/Appellant.

//Vs//

B.Saravana Kumar,
S/o.B.T.Balan,
Emakkalnatham Village and Post, Bargur,
Krishnagiri Taluk, Krishnagiri District.

.. Respondent/Respondent

This petition was coming before me on 15.02.2024 for final hearing in the presence of the party appeared in person for the petitioner and of Thiru.P.G.Thiyagu and Thiru.C.Pritheevraj, Counsels for the Respondent and upon hearing the arguments of both sides and upon perusing the entire case records and having stood over for consideration, till this date this court delivered the following:-

ORDER

Petition filed by the petitioner U/s.151 of CPC prays to pay the amount of compensation to Respondent in which order by this court for filing the false divorce case against the petitioner/appellant and for orders.

2.The averments of the affidavit as follows:-

The petitioner herein is the Appellant in the main case and she well acquainted with the facts of the case. For the petitioner's marriage, the respondent and his parents demanded 200 sovereigns jewels, Rs.10 lakhs as dowry and Rs.10 lakhs for purchase of new car. But the petitioner's parents told that they can give 75 sovereigns of gold, 11 silver articles, Rs.5 lakhs as dowry and Rs.5 lakhs for purchase of new car for which the respondent and his parents also accepted and the respondent received the same in the presence of respondent's parents. Apart from offerings, the grand celebration Betrothal function with the respondent and his family members on 05.09.2010 at Baby Residency A/c.Hall in Vellore and the Marriage was solemnized on 12.12.2010 at Bargur. After marriage, the petitioner started her marital life with the respondent and his parents at Bargur. The respondent and his parents were not satisfied with the jewellery and cash offered at the time of marriage. The respondent's family did not invite the petitioner's parents for the Mangalsutra function and the same was great shock and surprise to her parents.

The respondent will not come to home weekly 2 or 3 days, if she questioned the same, he used to say, you should not ask any question and keep quiet. At the time of Pongal Seervarisai, the respondent and his family members picked up quarrel with her parents regarding about the purchase of Car. After offering the Pongal seervarisai, appellant parents returned to

Arcot. The respondent left the petitioner in her parent's house at Arcot and demanded a sum of Rs.5 lakh for buying a new car. Before the marriage, the petitioner's parents booked the swift Dezire Car for which Rs.10,000/- deposited in the name of respondent, in few days, the car is going to be delivered but respondent and his parents told to give the cash amount of Rs.5 lakh and her father arranged Rs.5 lakhs in few days and after receiving the amount of Rs.5 lakhs, the respondent took the petitioner to marital home at Bargur. The respondent and his parents did not permit to send her to her parents house at Arcot to attend the 1st Pongal Festival, 1st Deepavali festival and 1st Ugadhi festival.

After marriage, a separate family was set up at Yelagiri Hills in Government quarters by the respondent and his parents. During the stay, the respondent coming home in a fully drunken stage. The petitioner's marriage life with the respondent was never happy as right from the beginning and she was subjected to lot of ill treatment and mental torture. The respondent's right hand is not in proper function being hemiparalysed due to accident due to alcohol when he was studying 1st year MBBS in Annamalai University affected by Neuro disabilities. The respondent cannot write in his right hand till now. The respondent is fully addicted to drinks and he is an alcoholic who uses to drink continuously even during office hours and see the patient inebriated condition in the Government Primary Health Centre. The respondent has forced and compelled the petitioner to purchase

liquor for him from the Tasmac Shop at Yelagiri hills but she refused to do it.

The respondent never change his behaviour and he continued the same with ill treatment over her got aggravated and maintained animosity and grude towards her, while so the respondent made an attempt to kill her with full of alcohol in yelagiri Hills on 07.08.2011 at about 2'O clock midnight by tighten the gold chain worn around her neck, but fortunately gold chain was cut due to pressure of pulling it and thus she escaped from the killing attempt at the hands of the respondent. The said incident was taken to the knowledge of Joint Director of PHC, disciplinary action was taken against the respondent and directed to vacate the Government Hospital Quarters within a period of 24 hours thereby the respondent vacated the quarters. The petitioner's father took her in his custody and reached Arcot on 08.08.2011.

During the period of stay in the respondent's resident for 40 days, she was ill treated and gave lot of mental cruelty and harassment. The respondent received her cell phone with SIM card and disconnected the landline and threatened her not to speak to her parents. Aggrieved over the act of the respondent, petitioner preferred complaint to SP, Krishnagiri on 22.11.2011. The AWPS, Bargur investigated the case on 25.11.2011 instructed the respondent to set up a separate residence for leading a happy life but respondent and his family members failed to keep their words. Again she preferred complaint against the respondent to CM Cell, Health Minister, SP of Vellore District, AWPS, Ranipet, DPH, Director Chennai, District

Social Welfare Department, Vellore. The AWPS, Ranipet enquired her complaint on 11.01.2012, the respondent made an statement before AWPS, Ranipet stating, "all the house hold articles, 75 sovereigns of gold jewels along with Rs.5 lakh for dowry and Rs.5 lakh for purchase of Car were given his father-in-law, all the above were kept safely in Bargur" and he further stated that he gave a promise that hereafter he could live a happy life please give him only one chance to prove himself but he did not keep his promise.

The respondent was directed to pay a sum of Rs.10,000/- p.m. as interim maintenance from the date of filing of this petition and Rs.10,000/- litigation expenses to the petitioner. Interim order has been passed by this court, direction is issued to the respondent that necessary care should taken to ensure that the cheque is not dishonoured. If it is so dishonoured then the order of maintenance of Rs.10,000/- will be straight away increased. As per the dircetion of this Hon'ble court received all the arrear interim maintenance till date by the way of cheque.

The respondent is working as a Government Block Medical Officer with service from 08.09.2010 for the past 11 years earning Rs.1,50,000/- as a month salary, but few very less amount only ordered by the trial court as per law 1/3rd of the salary to be given but the petition was partly allowed. The petitioner had filed I.A.No.8/2018 in HMOP No.54/2013 u/s.27 of Hindu Marriage Act to give direction to respondent to return the gold jewels, house hold articles, cash Rs.10 lakhs for dowry and purchase of car and 11 Silver

articles and the said petition is partly allowed on 05.06.2018.

The petitioner had filed the CRP (PD) No.2048 of 2018 and CMP No.12646 of 2018 in this court under article 277 of the constitution of India against the decreetal order dated 05.06.2018 made in I.A.No.8/2018 in HMOP No.54/2013. On perusal of records it reveal that the petitioner/wife has filed list of documents along with the application, but court has not considered the same while passing the order dated 05.06.2018. Hence this court is inclined to remand the matter back to the court below. As per the direction of Hon'ble Court, 2nd order was passed by the Principal Subordinate Court, Vellore on 23.01.2019 in I.A.No.8/2018 in HMOP.No.54/2013 the order states that in result this petition is partly allowed in respect of house hold articles and 11 silver articles were concerned the respondent is directed to return 11 silver articles and house hold articles within one month from the date of this order.

The second CRP (PD) No.427 of 2019 and CMP No.2881 of 2019 has been filed against the 2nd I.A.No.8/2018 in HMOP No.54/2013 order dated 10.04.2019. The respondent took her to Irumbedu Arni on 11.01.2012 and stayed at mansion. The respondent by the next day with full of drunken stage. He drove the two wheeler met with an accident on 12.01.2012 near Kaniyambadi and never changed his attitude and she assisted respondent and gave treatment to him for continuous period of 20 days subsequent to the recovery the respondent locked her inside the mansion as she was suffering

from an imprisonment and she was not allowed to use any communication method the conduct of the respondent is absolutely treacherous under this circumstances of the case. The respondent always used to lock the house from the outside leaving her inside. When she questioned the same he took her to the hospital and made her to stay in his room without giving any food and valid reason. On 02.02.2012 she came with her parents house at Arcot from Palavansathukuppam, Vellore because of the intolerable behaviour of the petitioner. On 15.02.2012 a lawyer notice was sent to her by the respondent alleging a false reason to dissolve the marriage. On perusal of the legal notice, she and her parents was subjected to intolerable mental agony.

Her petition under Domestic Violence Act 2005 was duly presented to the Protection Officer, Vellore District after due verification the same was forwarded to the District Munsif cum Judicial Magistrate Court, Arcot, Vellore District and numbered as STC No.417 of 2012, it was taken on file u/s.18, 19(8), 20 of the Domestic Violence Act 2005 on 11.06.2012. The respondent instead of complying the order of this court, the respondent approached her residence on 20.07.2015 at 9.00 PM with full drunken stage dragged her from her house, beaten and scolded in filthy language made an attempt to kill her by threatening for which complaint against the Respondent was filed in AWPS, Ranipet, FRI No.25/2015 has been registered against the respondent and the case is pending for trial. The respondent and her parents also obtained Anticipatory Bail from the High Court of Madras.

The petitioner filed I.A.No.57 of 2014 u/s.24 of Hindu Marriage Act in this court and passed an order dated 06.07.2016 in which direction was given to the respondent to pay Rs.10,000/- as interim maintenance from the date of filing of this petition and Rs.10,000/- for litigation expenses to the petitioner. The respondent had filed the CRP No.3202/2016 and CMP No.16246 of 2016 against the order passed in I.A.No.57/2014 dated 06.07.2016 and the final order was passed by the Hon'ble High Court in CRP No.3202 of 2016 order dated 24.03.2017 as petition has been dismissed.

The respondent ultimate aim to cheat her jewels, money which has been given at the time of marriage. The petitioner was thrown with weared cloths midnight from the marital home, Bargur. The respondent wants to conduct the case without marking of document without conducting the cross examination as per high court direction by pressuring the appellant for respondent side cross to safeguard the Dr.B.Saravanakumar who is working as a govt. medical officer, PHC, Megachinapalli, Krishnagiri District. By conclusion of the records this court can easily come to conclusion that respondent is having all the 75 sovereigns of gold jewels, Rs.5 lakhs dowry, Rs.5 lakh for purchase of car, 11 silver articles and all other house hold articles in Respondent custody in Bargur. The petitioner had already lost her valuable life because of the unruly conduct and character of the respondent and his family members and she was subjected to lot of mental stress and cruelty because of arrogant behavior of the respondent and his family

members. The petitioner's father is now aged 72 years suffered with severe cardiac problem and her mother who is aged 68 years is a Neuro patient and she alone taking care of them. All the above said pain is unable to survive and her survival is only for the welfare of her parents.

The appellant was having the account in the State Bank of India, Arcot, Vellore District after the engagement Respondent A/c.No.11205876814 had withdrawn the cash Rs.5 lakh dowry by self on 08.09.2010 and it has been given to the respondent and respondent received Rs.5 lakh dowry same in front of the respondent's parents. Hence the petitioner filed this petition prays to pay the amount of compensation to Respondent in which order by this court for filing the false divorce case against the petitioner/appellant

The respondent has not filed counter inspite of more than sufficient time given and was set exparte on 15.02.2023 and not filed any petition to set aside the exparte order dated 15.02.2023 till date. On verification of records, it is seen that on 19.04.2023 the petition was posted for respondent side arguments and the respondent side arguments also heard on 15.02.2024.

5. The point for consideration in this petition is;

Whether the petition is to be allowed or not?

6. Point:

The petitioner stated that the marriage between the petitioner and the respondent took place on 12.12.2010. From the date of marriage there is a dispute between the petitioner and the respondent with regard to the jewellery

and cash offered at the time of marriage. The respondent is fully addicted to alcohol and used to abused the petitioner and her parents in filthy language demanding more dowry and also beat the petitioner mercilessly. After two months of marriage, on 06.10.2011, the petitioner's parents took the petitioner to the respondent's house for panchayat and thereafter she stayed in the respondent's residence for 40 days and they thrown the petitioner out of the respondent's house on 16.11.2011 at about 10.00 PM on 17.11.2011 the petitioner's parents took the petitioner to their house. The respondent is working as a Government Block Medical Officer and is earning a sum of Rs.1,50,000/- as monthly salary. The petitioner further stated that the respondent has filed a petition for divorce before the Hon'ble Sub Court in HMOP No.54/2013 and the petitioner had filed I.A.No.8/2018 in HMOP No.54/2013 u/s.27 of Hindu Marriage Act to give direction to respondent to return the gold jewels, house hold articles, cash Rs.10 lakhs for dowry and purchase of car and 11 Silver articles and the said petition is partly allowed on 05.06.2018. And the petitioner herein filed appeal before Hon'ble High Court in CRP No.2048 and CMP No.12646 of 2018 and in that petition the Hon'ble High Court on 10.04.2019 passed an order directing the HMOP petition should be disposed off within a period of 3 months and the husband shall submit himself to cross examination failing which the court shall draw adverse inference and further directed that if the maintenance amount or the sum of Rs.5 lakhs mentioned in para 2 is not paid the HMOP will not be

proceeded with and court shall take cohesive steps to ensure that the maintenance amount is paid to the petitioner/wife and the revision petition is disposed off. Thereafter the HMOP No.54/2013 was dismissed on 10.08.2022. The respondent is having all 75 sovereigns of gold jewels, Rs.5 lakh dowry and Rs.5 lakhs for purchase of car and the respondent is not returning the said amounts and jewels to the petitioner herein. Hence the petitioner herein filed the above HMCMA No.19/2022 for directing the respondent to return the 75 sovereigns of jewels and Rs.5 lakh dowry and Rs.5 lakhs for purchase of Car and 11 silver articles and all other house hold articles and the present petition has been filed to pay huge amount of compensation to the petitioner herein for filing the false divorce case against the petitioner herein.

On perusal of records, it is seen that the respondent herein filed a petition for divorce as against the petitioner herein on the ground of cruelty and in that petition pending proceedings the petitioner herein filed IA.No.8/2018 for return the 75 sovereigns of jewels and Rs.5 lakh dowry and Rs.5 lakhs for purchase of Car and 11 silver articles and all other house hold articles and in that petition the learned Subordinate Judge partly allowed the petition on 23.01.2019 and wherein the respondent is directed to return 11 silver articles and the house hold articles only and in respect of return of 75 sovereigns of gold jewels and Rs.5 lakh towards dowry and another sum of Rs.5 lakhs towards purchase of Car the petition is dismissed. As against the

said order, the petitioner herein preferred CRP. (PD) No.427/2019 and the said Revision was ordered on 10.04.2019 with the direction that the petitioner herein may be given opportunity to cross examine the respondent with regard to the documents filed by the petitioner herein and to dispose the HMOP within a period of 3 years and the respondent was directed to pay a sum of Rs.5 lakhs as maintenance amount. Thereafter the HMOP.No.54/2013 was disposed on 10.08.2022 wherein the petition filed by the respondent herein was dismissed.

The petitioner herein has not filed any appeal as against the order passed in CRP (PD)NO.427/2019 dated 10.04.2019. But the petitioner filed the present HMCMA No.19/2022 as against the order of dismissal in I.A.No.8/2018 with regard to all the relief claimed in the I.A.No.8/2018 for which the petitioner is not entitled to file the above HMCMA.No.19/2022 stating that as against the order passed in HMOP.No.54/2013 on the file of Principal Sub Judge, Vellore because the HMOP No.54/2013 was filed for divorce as against the petitioner herein on the ground of cruelty and the said petition was dismissed as against the respondent herein.

Further in the present petition, the petitioner herein is claiming huge compensation on the ground of filing false divorce case as against the petitioner herein for which the petitioner herein is not entitled to claim compensation by way of filing interlocutory application, since the relief

claimed in this petition is not the relief claimed in the main HMCMA No.19/2022.

From the above stated discussions, this court considers that the present petition is not maintainable and the petitioner is not entitled to claim any amount and the petition is liable to be dismissed.

In the result, the petition is dismissed. No cost.

Dictated to steno typist directly, typed by her through computer, corrected and pronounced by me in open court, this the 20th day of February 2024.

**Additional District Judge(FTC)
Vellore.**

Both side witnesses and Exhibits:

NIL

**ADJ (FTC),
Vellore.**

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE(FTC),
VELLORE,VELLORE DISTRICT.

PRESENT: Tmt.P.REVATHY, M.A.,M.L.,
Additional District Judge(FTC),Vellore.

Dated this the 20th day of February 2024, Tuesday

I.A.No.1/2022 in
HMCMA NO.19/2022

- - -

P.Sinduja, W/o.Dr.B.Saravanakumar,
No.22/1, P.T.Yogalingam Street, Arcot – 632 503, Vellore District.
...Petitioner/Appellant.

//Vs//

B.Saravana Kumar, S/o.B.T.Balan,
Emakkalnatham Village and Post, Bargur,
Krishnagiri Taluk, Krishnagiri District.

.. Respondent/Respondent

Petition filed by the petitioner U/s.151 of CPC prays to pay the amount of compensation to Respondent in which order by this court for filing the false divorce case against the petitioner/appellant and for orders.

This petition was coming before me on 15.02.2024 for final hearing in the presence of the party appeared in person for the petitioner and of Thiru.P.G.Thiyagu and Thiru.C.Pritheevraj, Counsels for the Respondent and upon hearing the arguments of both sides and upon perusing the entire case records and having stood over for consideration, till this date this court doth order and decreetal order as follows:-

DECREETAL ORDER

1. That the petition be and the same is hereby dismissed;
2. That there be no cost.

Given under my hand and the seal of this court, this the 20th day of February 2024.

**Additional District Judge(FTC)
Vellore.**

