

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

CrI.R.C.No.1065 of 2015

and

MP.No.1 of 2015

M.SN.Anandhkumar

.. Petitioner

Vs.

N.Devipriya

.. Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the judgment dated 03.08.2015 made in CA.No.233 of 2014 on the file of V Additional City Civil Court, Chennai confirming the order dated 02.08.2014 made in MP.No.1213/2014 in MC.No.2 of 2014 on the file of the IX Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.R.Ponnusamy.

For Respondent : Mr.L.Ramu.

ORDER

The criminal revision petition is directed against the judgment passed by the learned V Additional City Civil Court, Chennai made in CA.No.233 of 2014 dated 03.08.2015, confirming the order dated 02.08.2014 passed by the learned IX Metropolitan Magistrate, Saidapet, Chennai made in MP.No.1213/2014 in MC.No.2 of 2014.

2.The learned counsel for the petitioner mainly contended that the trial Court and the lower appellate Court without analysing the evidence directed the revision petitioner to pay a sum of Rs.3,000/-p.m. towards maintenance is erroneous and the order of the Court below has to be set aside and prays to allow the revision.

3.It is admitted by both parties, the revision petitioner and the respondent are husband and wife, the marriage between the parties took place at Chennai on 30.01.2012. Due to misunderstanding arose between the parties, the respondent filed petition in MC.No.2 of 2014 seeking monthly maintenance under Sections 19 and 20 of the Domestic Violence Act.

4.The trial Court after considering the evidences of both sides, directed the revision petitioner to pay a sum of Rs.3,000/- p.m. to the respondent in MP.No.1213 of 2014 in MC.No.2 of 2014 on 02.08.2014. Aggrieved against the order of the trial Court, the present revision petitioner preferred appeal before the learned V Additional City Civil Court, Chennai under Section 29 of the Protection of Women from Domestic Violence Act in CrI.A.No.233 of 2014, the lower appellate Court after hearing both parties dismissed the appeal by confirming the order the trial Court to pay maintenance to the respondent/wife. Against the said order, the petitioner preferred criminal revision before this Court.

5.The trial Court after considering the facts and circumstances and evidence adduced by the parties, directed the revision petitioner to pay a sum of Rs.3,000/-p.m. towards maintenance to the respondent/wife. After hearing both sides, the same is also confirmed by the lower appellate Court. During the prevailing cost of living, maintaining a lady at Rs.3,000/-p.m. is very meager one and it cannot be deemed as excessive amount in the present days. This Court finds no illegality or infirmity in the order passed by the learned IX Metropolitan Magistrate, Egmore, Chennai and the same does not warrant any interference by this Court.

6.In the result, the criminal revision petition stands dismissed. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

The V Additional City Civil Court, Chennai.

The IX Metropolitan Magistrate, Saidpet, Chennai.

+1 CC Mr.R.Ponnusamy Advocate SR.No.53950

+1 CC Mr.L. Ramu Advocate SR.No.53749

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VSN

MSI 18/10/2016