

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.01.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.Nos.556 and 702 of 2015

&

M.P.Nos. 1 and 2 of 2015

Saravana Ammapalli .. Petitioner
in both revisions

vs.

1.Pallavi Koduri
2.Subbaraya Chetty
3.Shantha Kumari
4.K.S.Yamuna ... Respondents
in both revisions

Prayer in 556 of 2015 : Criminal Revision filed under section 397 and 401 Cr.P.C. against the order dated 05.03.2015 made in Crl.M.P.No.15163 of 2014 in Crl.A.SR... of 2014 on the file of Principal Sessions Judge, Chennai.

Prayer in 702 of 2015: Criminal Revision filed under section 397 and 401 Cr.P.C. against the order of learned VII Additional Sessions Judge, Chennai, passed C.A.No.114 of 2014 on 24.03.2015, against the order dated 26/3/13 in M.P.No.3801 of 2013 on the file of XVII Metropolitan Magistrate, Saidapet.

For Petitioner : Mr.R.Sugumaran

For Respondents : Mr.S.D.S.Phillip for R1
R2 to R4 Given up

COMMON ORDER

Crl.R.C.No.556 of 2015 is preferred against the dismissal of a petition seeking condonation of delay in preferring appeal before learned Principal Sessions Judge, Chennai, against the order passed by learned XVII Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.4673 of 2013 on 26.03.2013.

2. Crl.M.P.No.4673 of 2013 was moved by the first respondent/wife seeking an order of protection as also other reliefs and compensation under the protection of Women from Domestic Violence Act. Therein, an interim order directing

payment of maintenance to the child alone in a sum of Rs.15,000/- per month was passed. Aggrieved thereby, the respondent/wife has preferred an appeal in C.A.No.114 of 2014 on the file of learned Principal Sessions Judge, Chennai and the same came to be allowed under judgment dated 24.03.2015. In dismissing the petition seeking condonation of delay moved by the petitioner, Court below rightly had noted that in the appeal filed by the respondent/wife, the petitioner/husband, had entered appearance on 06.06.2014 but had preferred his appeal only on 24.09.2014 and that the reason for the delay viz., that he was out of station in search of a job was not acceptable.

3. Allowing C.A.No.114 of 2014 preferred by the wife and passing orders also in miscellaneous petitions therein, learned VII Additional Sessions Judge, Chennai, under orders dated 24.03.2015, confirmed the payment of maintenance in a sum of Rs.15,000/- to the child and passed directions against causing of disturbance to the wife and child, required the respondents in the appeal not to dispose of their assets, directed stay of operation of the bank account held in the joint name of the petitioner and the respondent/wife and further informed that the decision regards jewellery and sridhana articles was to follow the finding of the trial Court. Aggrieved thereby, the petitioner has moved Crl.R.C.No.702 of 2015.

4. By way of interim order dated 15.07.2015, this Court has required the petitioner to pay a sum of Rs.5,000/- to the first respondent/wife on or before 5th of every succeeding English calendar month. It is the contention of petitioner/husband that the first respondent/wife wrongly had sought a right of residence in shared household as she resided at a different place with her parents. It is contended that the petitioner/husband ought to be afforded an opportunity to contest his case on merits.

Having heard learned counsel for first respondent/wife on the above submissions, this Court is of the view that interests of justice would best be served by passing the following order:

Crl.R.C.No.556 of 2015 and Crl.R.C.No.702 of 2015 are disposed of with a direction to learned XVII Metropolitan Magistrate, Saidapet, Chennai to dispose of the main case within a period of two months from the date of receipt of this order. In the interregnum, the petitioner shall be required to continue effecting payment of maintenance in a sum of Rs.5,000/- per month towards the maintenance of his child on or before 5th of every succeeding English Calendar month. The protection ordered against the disturbance of the respondent shall also be maintained. The first respondent is permitted to

withdraw the arrears deposited by the petitioner on behalf of the minor child by filing appropriate petition. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gpa/gm

To

1.The Principal Sessions Judge
Chennai.

2.The VII Additional Sessions Judge
Chennai.

3.The XVII, Metropolitan Magistrate,
Saidapet, Chennai.

4.The Chief metropolitan Magistrate,
Egmore, Chennai.

+ 2 ccs to Mr.S.D.S.Phillip, Advocate Sr.3196

+ 2 ccs to Mr.A.V. Arun, Advocate SR.3325 & 3326

Crl.R.C.Nos.556 and 702 of 2015

gj[col]
srg (22/04/2016)

सत्यमेव जयते

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