

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1075 of 2016

and

Crl.M.P.No.9201 of 2016

S.Tholkappian .. Petitioner

vs.

T.Thenmozhi .. Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of the learned XVII Additional Judge, City Civil Court, Chennai dated 30.10.2015 in C.A.No.140 of 2013 and to set aside the same and this order of the metropolitan Magistrate, Egmore in Mp.No.1122/2011 order dated 19.06.2013.

For Petitioner : Mr.C.Murali

For Respondent : Mr.K.Chandru

O R D E R

This revision challenges the order of learned XVII Additional Judge, Chennai passed in C.A.No.140 of 2013 on 19.06.2013.

2. Respondent/wife moved M.P.No.1122 of 2011 before learned V Metropolitan Magistrate, Egmore, Chennai seeking right to residence and for maintenance for herself and her daughter. The respondent examined herself and marked 18 exhibits. Petitioner marked 2 exhibits. On consideration, learned Magistrate directed payment of a sum of Rs.20,000/- per month

towards maintenance and educational expenses of the minor daughter from July 2013. It has also ordered for a right of residence. Petitioner preferred appeal in C.A.No.140 of 2013 before the XVII Additional Judge, City Civil Court, Chennai. Learned Judge, modified the order of the trial court directing petitioner to pay a sum of Rs.15,000/- per month from April 2011. The order of right of residence to respondents was upheld. Aggrieved, petitioner/husband has filed present revision.

3. Heard Mr.C.Murali, learned counsel for petitioner and Mr.Chandru, learned counsel for respondent.

4. In passing the order, appellate court has taken into account the attending facts and circumstances. Taking a lenient view of petitioner having not brought to the notice of the court, the order of interim maintenance of Rs.10,000/- per month passed by the Family Court, it has also taken into consideration the qualification of petitioner, his status in society and basic needs of respondents and minor daughter. On such considerations, the court below has directed payment of maintenance of Rs.15,000/- per month from April 2011. Order under challenge is a well reasonable one and I find no reason to interfere.

5. In the result, this Criminal Revision Petition stands dismissed. Connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The XVII Additional Judge,
City Civil Court, Chennai.

2. The V Metropolitan Magistrate,
Egmore, Chennai.

+1cc to Mr.C.Murali, Advocate SR.No.6907
+1cc to Mr.K.Chandru, Advocate SR.No.69054

Cr1.R.C.No.1075 of 2016

SDR 28.12.2016