

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

CORAM :

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

Crl.R.C.No.1078 of 2016

Crl.MP.No.9221 of 2016

Sankar Mahesh.

..Respondent

vs.

S.Parvathi.

..Petitioner

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of Judicial Magistrate, Arakkonam passed in M.C.No.7/2010 dt:21/11/2015.

For Petitioner : Mr.S.Y.Masood
For Respondent : Mr.V.P.Raju

O R D E R

This revision arises against the order of learned Judicial Magistrate, Arakkonam passed in MC.No.7 of 2010 on 21.11.2015.

2.The respondent/wife moved MC.No.7 of 2010 on the file of the Judicial Magistrate, Arakkonam seeking maintenance in a sum of Rs.20,000/-p.m. and also Rs.1,00,000/-p.a. towards clothing, medical expenses and other needs, under order dated 21.11.2015, the Court below directed the petitioner/husband to pay Rs.20,000/-p.m. from the date of petition towards maintenance. Further relief of Rs.1,00,000/-p.a. towards clothing etc prayed for, was negatived. Against such finding, the present revision has been filed.

3.Heard both sides.

4.In MC.No.7 of 2010, the respondent contended that the petitioner was employed at US Embassy and earning Rs.1,00,000/-p.m. In the counter thereto, the petitioner has not denied such averment. The respondent has moved an application for issuance of subpoena towards obtaining salary particulars of the petitioner. In the affidavit countering such application, petitioner has specifically averred that petitioner has not denied the averments of the respondent/wife regards

salary drawn by him and that as she was aware thereof, there was no need to issue subpoena.

5.In the face of such admission, the order of the Court below directing the petitioner/husband to pay monthly maintenance of Rs.20,000/-p.m. is justified. Learned counsel for petitioner submitted that calculation of maintenance from the date of petition would impose a heavy burden on the petitioner and he would not be able to bear the same. This Court is not inclined to interfere with the order, passed by the trial Court.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Judicial Magistrate, Arakkonam.
- 2.Thro The Chief Judicial Magistrate, Vellore.

+1CC to Mr.S.Y.Massod, Advocate, SR.64597/16
+2CC to Mr.V.R.Raju, Advocate, SR.65277/16

SR(CO)
SK(22/12/2016)

सत्यमेव जयते

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