

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.1617 of 2016
and
Crl.M.P.Nos.13229 and 13230 of 2016

C.Ilayaraja
S/o.Chokkalingam

... Petitioner

Vs.

Chithra

... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the judgment of learned XV Additional District and Sessions Judge, Chennai, passed in Crl.A.No.73 of 2015 on 18.10.2016.

For Petitioner : Mr.K.Sivakumar

ORDER

This revision arises against the judgment of learned XV Additional District and Sessions Judge, Chennai, passed in Crl.A.No.73 of 2015 on 18.10.2016.

2. Petitioner and respondent are husband and wife. Respondent/wife moved C.C.No.4202 of 2013 on the file of learned X Metropolitan Magistrate, Egmore, Chennai, against her husband, mother-in-law and sister-in-law seeking order of protection, residence, monetary relief and compensation.

3. Before the trial Court, the respondent examined herself as PW-1 and marked twelve exhibits. None were examined on behalf of petitioner nor were any exhibits marked. Trial Court, under judgment dated 12.02.2015, while dismissing the complaint regards respondents 2 and 3, has allowed the complaint against the first respondent/petitioner. Trial Court has ordered as follows:

“The 1st respondent is prohibited from

a) committing any act of domestic violence

b)aiding or abetting in the commission of acts of domestic violence

c) attempting to communicate in any form, whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact;

d)alienating any assets; including her stridhan or any other property held either jointly by the parties or separately by them without the leave of the Magistrate.

e) causing violence to the dependents, other relatives or any person who gives the aggrieved person assistance from domestic violence.

ii) the 1st respondent is liable to pay Rs.2,500/- to the complainant towards monthly rent for her residence with her

two children.

iii) the 1st respondent is directed to pay Rs.7,000/- per month towards maintenance from the date of the complaint. The arrear amount from September 2013 to January 2015 shall be paid by the 1st respondent within two months.

iv) the monthly maintenance from 2015 shall be paid by the 1st respondent to the complainant on or before 5th day of every succeeding month.

v) the vehicle TATA ACE bearing No.TN30 AC 1963 is handed over to the complainant within a month.

vi) the 1st respondent is directed to pay a sum of Rs.3,00,000/- to the complainant towards compensation within two months.

There against, petitioner preferred C.A.No.73 of 2015 on the file of learned XV Additional Sessions Judge, Chennai. Appellate Court, under judgment dated 18.10.2016, while confirming the allowances for rent and maintenance and return of vehicle, has modified the order regarding compensation to one of Rs.30,000/-. Challenging such order, the present revision has been filed.

4. Heard learned counsel for petitioner.

5. In modifying the amount of compensation, the appellate Court has reasoned that the trial Court without considering Ex.P8, Accident Register, has awarded compensation in a sum of Rs.3,00,000/- based on the oral evidence of PW-1. Further, appellate Court has held that the compensation

awarded by the trial Court was excessive and accordingly, reduced the quantum of compensation. This Court finds no reason to interfere with the order under challenge.

6. This Court takes notes of the submission of learned counsel for petitioner that the vehicle registered in the name of respondent is held by the respondent/wife. Even so, Courts below have required the petitioner to effect delivery thereof to the respondent/wife. Should the wife seek to execute the order of Courts below towards having delivery of the vehicle, the question of possession of vehicle, which is a question of fact, will be duly considered by the Courts below. Petitioner is directed to effect payment of arrears within a period of two months from today.

The Criminal Revision Case is disposed of with the above observation.
Connected miscellaneous petitions are closed.

15.12.2016

Index:yes/no
Internet:yes/no
gm

To

The XV Additional District and Sessions Judge,
Chennai.

C.T.SELVAM, J

gm

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<http://www.judis.nic.in>