

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

CORAM:

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

CrI.R.C.No.939 of 2016

and

CrI.M.P.No.7283 of 2016

S.Jeeva ... Petitioner

Vs.

J.Vasuki ... Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C. against the order of learned VII Additional Sessions Judge, Chennai, dated 3.12.2014 passed in C.A.No.243 of 2010 in M.P.No.919 of 2010, IX Metropolitan Magistrate, Chennai dated 6.7.2010.

For Petitioner : Mr.K.Muruganantham

For respondent : No appearance

ORDER

This revision challenges the order of learned VII Additional Sessions Judge, Chennai, passed in C.A.No.243 of 2010 in M.P.No.919 of 2010 on 03.12.2014.

2. The respondent/wife has moved M.P.No.919 of 2010 and learned IX Metropolitan Magistrate, Saidapet, Chennai has granted interim relief to the respondent/wife on the following lines :

"In the result, interim relief is granted to the effect that the respondent shall not go the residence of the petitioner and indulge in any kind of violence and he shall not mentally or physically disturb the petitioner and that the respondent shall allow the petitioner to reside along with her children in his family property and make appropriate arrangements for her stay in the said property and the respondent shall not under any

circumstances sell or alter his share of the family property and the respondent shall not bequeath his interest in his share of the family property and that the respondent shall pay a sum of Rs.3000/- per month to the petitioner towards their education and maintenance and shall also pay a sum of Rs.2000/- per month to the petitioner for maintenance of the family and that the respondent shall entrust their second child to be brought up by the petitioner."

3. Petitioner preferred a Criminal Appeal in C.A.No.243 of 2014 challenging the said order. In dismissing the appeal, appellate court has upheld the order of the learned Magistrate informing

"8. The marriage of the appellant and the respondent took place on 09.07.1997 and on 25.06.1996, they were blessed with two children namely Shanmuga Priya and Saravan Priya. There is no dispute in this regard. Due to misunderstanding between them, the first respondent was residing along with her elder daughter separately and the appellant was living with his younger daughter at Chennai separately. The first respondent has contended in the petition that on 24.08.2009, when the brother of the first respondent came to her house to take her, the appellant, without any reason has beaten the brother of the first respondent and threatened him and that the first respondent is living with his elder daughter in the house of the brother of the first respondent. The appellant has not filed any counter denying these contentions and he has also not let in any evidence.

9. The first respondent has further stated that in the year 2009, when the first respondent went to the house of the appellant during school holidays, the appellant has not allowed her in to the house and even in the puberty function of their elder daughter, the appellant has not helped the respondent in any way as the father of the child. The above contentions are acceptable. The appellant has filed divorce petition before Subordinate Judge, Tambaram.

10. The appellant has mentally and physically harassed the respondent. He has not allowed her to reside in their house. Moreover, without any income, the respondent is living with his brother. The appellant is not helping the respondent for the education of their elder daughter. The appellant is having the habit of consuming alcohol. It is not known whether he is having any good habits. The second daughter is living in the care of the appellant. The respondent prays that the second child should also be in her maintenance. The appellant has not raised any objection for the above contentions of the respondent. Hence, the contentions of the respondent in the petition are acceptable."

In the circumstances, this Court finds no reason to interfere with the order under challenge.

4. The Criminal Revision Petition shall stand dismissed. Connected miscellaneous petition is closed. However, it is open to the petitioner to contest the main case on merits, if the same has not been disposed of.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

vrc

To

1. The IX Metropolitan Magistrate,
Saidapet, Chennai.

2. The VII Additional Sessions Judge,
i/c.VI Additional Court, Chennai.

1 cc to Mr.K. Muruganaantham, Advocate, Sr. 65110

CrI.R.C.No.939 of 2016

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