

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.31013 of 2013

and

M.P.Nos.1 and 2 of 2013

Muthuvel Petitioner

Vs

1. Tamilselvi

2. Dhivya Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to set aside the order dated 10.09.2013 made in C.R.P.No.19 of 2013 on the file of the Principal District and Sessions Court, Erode confirming the order dated 10.04.2013 made in M.C.No.6 of 2013 on the file of the Judicial Magistrate, Bhavani.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.N.Manoharan

O R D E R

The present criminal original petition has been filed to set aside the order dated 10.09.2013 made in C.R.P.No.19 of 2013 on the file of the Principal District and Sessions Court, Erode confirming the order dated 10.04.2013 made in M.C.No.6 of 2013 on the file of the Judicial Magistrate, Bhavani.

2. The marriage between the petitioner and the first respondent took place on 06.06.1988. Subsequently, since there was misunderstanding between the petitioner and her wife, a divorce petition has been filed by the petitioner before the Sub-Court, Bhavani in H.M.O.P.No.10 of 2002 and divorce was granted on 31.01.2007. Meanwhile, the first respondent has filed a maintenance case in M.C.No.6 of 2012 before the learned Judicial Magistrate, Bhavani under Section 125 of Cr.P.C. The learned Judicial Magistrate, Bhavani, after hearing the contentions, awarded maintenance of Rs.2000/- for the first respondent and also awarded Rs.2500/- for the second respondent, who is the minor daughter of the petitioner, till

her marriage. Aggrieved over the same, the petitioner had preferred C.R.P.No.19 of 2013 before the Principal District and Sessions Judge, Erode and the same was dismissed on 10.09.2013. Hence, the petitioner has come forward with the present petition to set aside the order dated 10.09.2013.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. In my considered opinion, the amount of Rs.2000/- awarded to the first respondent as well as a sum of Rs.2500/- awarded to the second respondent till her marriage, is not an exorbitant amount considering the present cost of living. Therefore, without going to the other aspects, this court is not inclined to interfere with the order the learned Principal District and Sessions Judge, Erode.

5. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Principal District
Sessions Judge, Erode

2.The Judicial Magistrate, Bhavani

+1 cc to Mr.N.Manokaran Advocate sr.1326

+1 cc to Mr.M.Guruprasad, Advocate sr.1439

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