IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.01.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.799 of 2013
and
M.P.Nos.1 and 2 of 2013

T.P.Elumalai .. Petitioner/ Respondent

vs.

Valli .. Respondent/ Petitioner

Criminal Revision filed under sections 397 (1) and 401 of Criminal Procedure Code against the order of the learned III Additional Sessions Judge, Vellore, Tirupattur, made in Crl.R.P.No.3 of 2012, dated 15.03.2013 reversing the order of the Judicial Magistrate II, Tirupattur made in M.C.No.9 of 2010 dated 12.09.2011.

For Petitioner : No Appearance

For Respondent : Mr.P.Rathanavel

O R D E R

This revision is preferred against the order of learned III Additional Sessions Judge, Vellore, Tirupattur, passed in Crl.R.P.No.3 of 2012 on 15.03.2013 reversing the order of learned Judicial Magistrate II, Tirupattur passed in M.C.No.9 of 2010, on 12.09.2011.

2. No representation for petitioner. Heard learned counsel for respondent.

3. Respondent/wife had moved a revision in Crl.R.P.No.3 of 2012 on the file of learned III Additional Sessions Judge, Vellore, Tirupattur against dismissal of M.C.No.9 of 2010 preferred by her before learned Judicial Magistrate II, Tirupattur.

4. Learned Judicial Magistrate II, Tirupattur had dismissed the maintenance case on the reasoning that in an earlier proceeding, the sum payable to the respondent/wife was determined and the same was paid. The Court below in allowing the Crl.R.P.No.3 of 2012, accepted the explanations offered by the respondent/wife to the effect that only part payment as per earlier

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settlement had been made and accordingly, passed orders directing payment of maintenance on the following lines:

> "In the result
> a) this criminal revision petition is allowed;
> b) the trial Court of Judicial Magistrate II, Tirupattur order dated 12.09.2011 in M.C.No.9 of 2010 is set aside;
> c) the maintenance case filed by the petitioner is partly allowed and the respondent is directed to pay Rs.500/- per month as maintenance to the petitioner from the date of petition;
> d) the arrears from the date of maintenance petition to February, 2013 the respondent is directed to pay the same to the petitioner within six months from today in three equal installments;
> e) from March 2013 onwards the monthly maintenance of Rs.500/- by the respondent is directed to pay the said amount directly to the petitioner on or before10th of every succeeding month and
> f) the petitioner/wife is entitled cost throughout the litigation."

This Court finds no error in the order under challenge. Accordingly, this revision stands dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

vsm

To

1.The III Additional Sessions Judge,
Vellore, Tirupattur.

2.The Judicial Magistrate II, Tirupattur.

3. do thro the Chief Judicial Magistrate
Vellore

1 cc to Mr.P. Rathanavel, Advocate, Sr. 3336

Crl.R.C.No.799 of 2013

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