



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2016

WEB COPY

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

CrI.O.P.(MD)No.15882 of 2016

and

CrI.M.P(MD)Nos.7617 and 7618 of 2016

M.Kalidass

.. Petitioner

Vs.

T.Shanthipriya

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records relating to complaint in Maintenance case in M.C.No.3 of 2016 pending on the file of the Judicial Magistrate, Vedachandur and to quash the same.

For Petitioner

: Mr.R.S.Sivaram

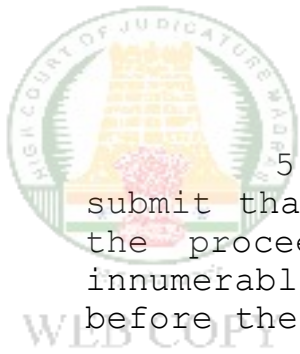
ORDER

It is an application seeking quashment of a maintenance case in M.C.No.3 of 2016 pending on the file of the Judicial Magistrate, Veda sandur.

2.The learned counsel appearing for the petitioner would submit that the petitioner has already filed HMOP No.67 of 2013 on the file of the Sub court, Veda sandur and during pendency of the same, the respondent/wife did not ask for maintenance and even in HMOP No.23 of 2015, filed by the respondent/wife for restitution of conjugal rights, she did not ask for maintenance and therefore, M.C.No.3 of 2016 has been filed only to harass the petitioner/husband. The learned counsel would also submit that the respondent/wife is able to maintain herself and therefore, she is not entitled to ask for maintenance.

3.The husband who contends that the wife is able to maintain herself, is expected to disclose the source of income to the wife, financial status of the wife, nature of employment, if any, source of earnings, if any, availability of property, if any and to state whether the wife will have the same comfort level, while living as the wife of the petitioner. Moreover, neither averments are made disclosing the above details, nor documents have been filed to substantiate those facts.

<https://hcservices.ecourts.gov.in/fiservices/> such circumstances, the contentions, which are relevant and permissible before the Trial Court is not appropriate before this Court.



5.The learned counsel appearing for the petitioner would submit that the petitioner is a resident of Chennai and to attend the proceedings in the Court at Vedasandur, he is put into innumerable difficulties and therefore, presence of the petitioner before the Court below may be dispensed with.

6.In view of the submission made by the learned counsel for the petitioner, personal appearance of the petitioner before the Court below is dispensed with, unless on indispensable occasions.

In the result, this Petition is dismissed. Consequently, connected CrI.M.P(MD)Nos.7617 and 7618 of 2016 are closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

The Judicial Magistrate, Vedachandur

+One cc to Mr.R.S.Sivaram, Advocate, SR.No.48632

mj
RL/3C/2P/SKS/RR/28/9/2016

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