



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Cr1.O.P. (MD) .No.8767 of 2016

Mariya Antony Selvaraj
@ Mariya Antony

.. Petitioner

Vs.

1.Arokia Velthai @ Velthai

2.Epsifa

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records and set aside the dismissal order in Cr.R.C.No.17 of 2015 passed by the IV-Additional Sessions Judge, Tirunelveli, dated 28.01.2016 against the order in M.C.No.1 of 2009 on the file of the District Munsif cum Judicial Magistrate Court, Sengottai, Tirunelveli District.

For Petitioner

: Mr.G.Karuppasamy Pandian

ORDER

It is an application filed under Section 482 Cr.P.C. challenging the order in Cr.R.C.No.17 of 2015, dated 28.01.2016, passed by the learned IV-Additional Sessions Judge, Tirunelveli, against the order in M.C.No.1 of 2009 on the file of the learned District Munsif cum Judicial Magistrate, Sengottai, Tirunelveli District.

2.Heard the learned counsel for the petitioner.

3.The petitioner is the husband of the first respondent and father of the second respondent. The first and second respondents had filed a petition for maintenance in M.C.No.1 of 2009 before the learned District Munsif cum Judicial Magistrate, Sengottai. The learned Judicial Magistrate, by order dated 13.01.2015, directed the petitioner herein to pay a sum of Rs.2,500/- p.m. for maintenance to the second respondent / daughter till she gets married, however, rejected the claim of the first respondent / wife on the ground that she is able to maintain herself and she has deliberately deserted the petitioner / husband.



4. Challenging the order passed by the learned Judicial Magistrate under Section 125 Cr.P.C., a revision has been filed by the petitioner in CrI.R.C.No.17 of 2015 before the learned IV-Additional Sessions Judge, Tirunelveli, on the ground that after a period of minority, the daughter is not entitled to maintenance. The issue raised by the petitioner has been answered by the Sessions Court in paragraph Nos.15 and 16 of the judgment and there is a finding that there is no material to show that the order passed by the learned Magistrate is illegal and accordingly, the revision petition was dismissed. Under such circumstances, this petition has been filed praying to set aside the order passed by the Sessions Judge.

5. It is neither a Court dealing with the revision nor a Court dealing with appeal jurisdiction. There are no materials to show that the grounds exist under Section 482 Cr.P.C. so as to entertain this petition. If at all alteration of maintenance is required, the remedy open to the petitioner is to file an application under Section 127 Cr.P.C. provided if there are materials to grind. Under such circumstances, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The IV-Additional Sessions Judge, Tirunelveli.
2. The District Munsif cum Judicial Magistrate,
Sengottai, Tirunelveli District.

+1cc to Mr.G.KARUPPASAMY PANDIAN, Advocate Sr.No.29513
GCG
AA/SK-SKN/24.06.2016/2p-4c

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