

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

**Crl.O.P.No.7114 of 2017
and
Crl.MP.Nos.5150 & 6066 of 2017**

Karunanidhi

... Petitioner

Vs

Adhilakshmi

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating to the order dated 20.12.2016 passed by the Principal District Judge, Villupuram in Crl.R.P.No.57 of 2014 confirming the order dated 15.9.2014 passed by the Chief Judicial Magistrate, Villupuram in M.C.No.42 of 2010 and set aside the same and to remand the matter back to the Chief Judicial Magistrate, Villupuram for fresh consideration.

For Petitioner : Mr.S.T.P.Kuil Mozhi

For Respondent : Mr.N.Manoharan

ORDER

The award of Rs.5000/- as interim maintenance to the respondent has been challenged in this present petition.

2.Today, when the matter is called, the learned Counsel for the petitioner would submit that the present criminal original petition is as against the interim order and that the main case seeking for maintenance has also been ordered in favour of the respondent to pay a sum of Rs.5,000/- as a permanent monthly maintenance. He further submitted that the respondent herein has sufficient independent income on her own and hence, the petitioner is not liable to pay any amount towards maintenance. Furthermore, the learned counsel for the petitioner also submitted that the respondent has purchased agricultural land in her name with her funds and as such, there is sufficient materials to show that the respondent has independent source of income.

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3. The very fact that all these aspects were put forth before the concerned trial Court and a final order of maintenance has been granted, the very same grounds raised in the interim application cannot

be sustained. The fact that the respondent is the wife of the petitioner has not been denied. As such, the petitioner is bound to maintain the respondent herein. A sum of Rs.5,000/- awarded by the trial Court, in my view, is not exorbitant and would only be sufficient to basic necessities of the respondent.

4. In view of the same, the present criminal original petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

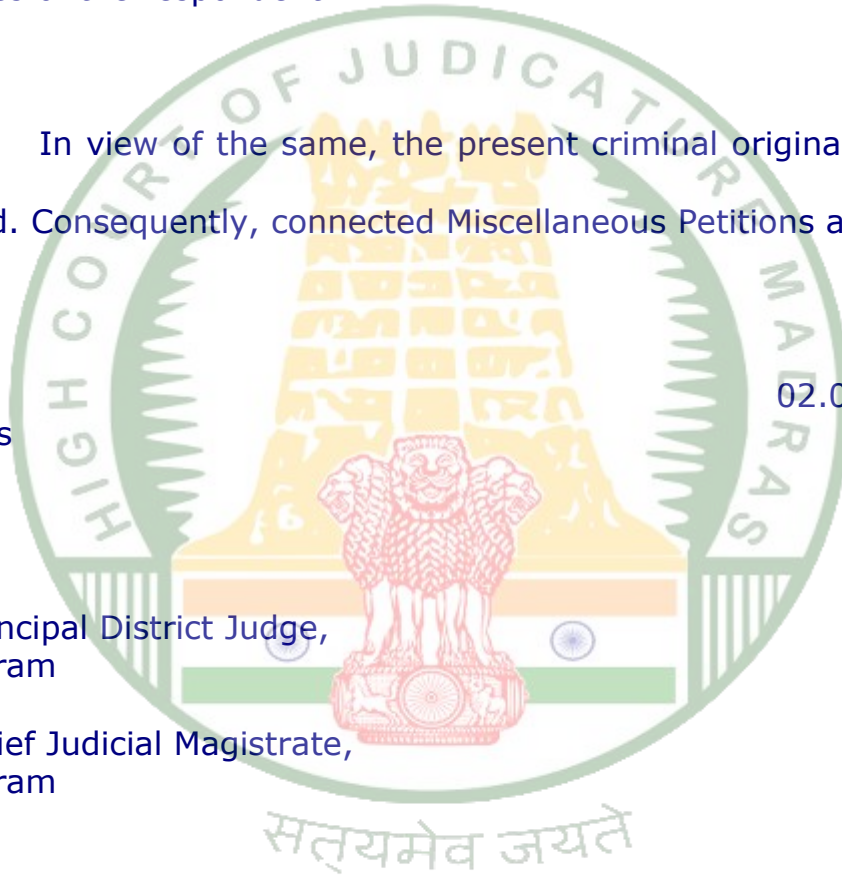
02.08.2017

Index:Yes
ms/tsi

To

1.The Principal District Judge,
Villupuram

2.The Chief Judicial Magistrate,
Villupuram



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M.S.RAMESH.J.,

ms/tsi



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