

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.3143 of 2017

and

Crl.MP.No.2273 of 2017

Kandasamy

... Petitioner

Vs

1.Sulochana

2.Minor Kaviyarasan

Rep.by his mother and next friend

Mrs.Sulochana

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating to the orders passed by the learned Principal District and Sessions Judge, Ariyalur in Crl.R.C.No.4 of 2016, dated 28.11.2016, modifying the order passed by the learned Chief Judicial Magistrate, Ariyalur, in M.C.No.8 of 2016, dated 15.6.2016 and set aside the same.

For Petitioner : Mr.S.Parthasarathy

For Respondents : Mr.G.Padmanaban

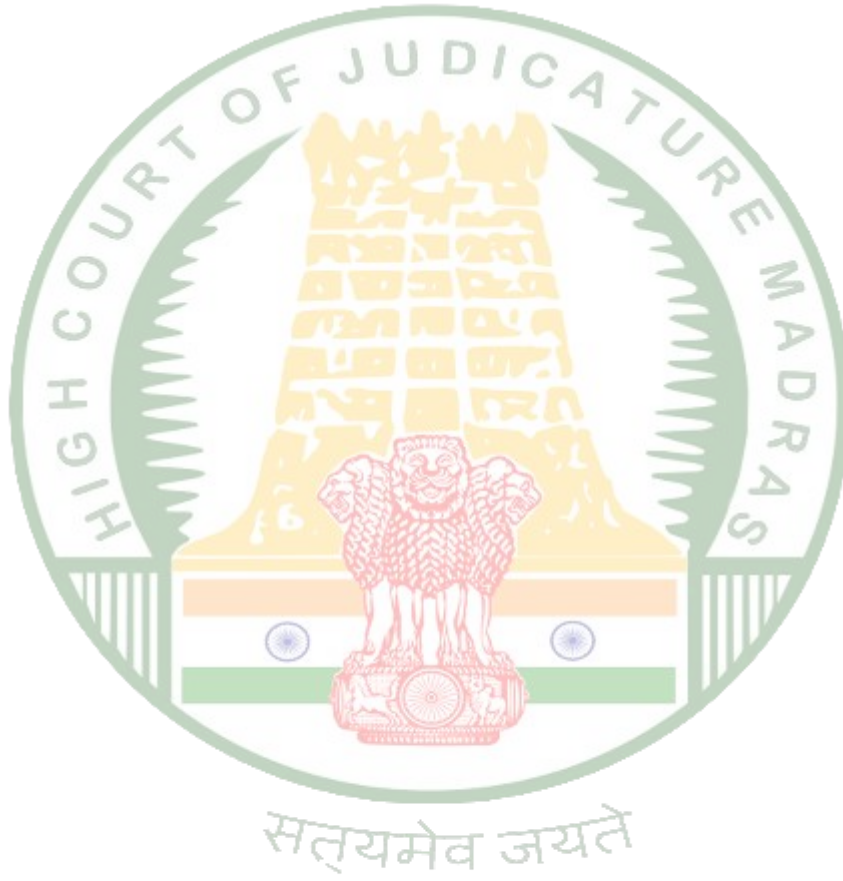
ORDER

The maintenance awarded to the respondents, who are the petitioner's wife and minor son, at the rate of Rs.4,000/- p.m., has been challenged in the present petition.

2. The learned counsel for the petitioner submitted that the first respondent is not a legally wedded wife and hence, she is not liable to claim maintenance. Furthermore, the learned Counsel submitted that the petitioner is a poor agriculturalist and he already has wife and three children to maintain and hence the amount of Rs.4,000/- would be an additional burden which cannot be paid.

3. The learned counsel for the respondents on the other hand submitted that the first respondent is a legally wedded wife and that the second respondent is a minor son born to the petitioner and the first respondent, herein.

4. The question as to whether the first respondent is a legally wedded wife of the petitioner or not has to be established in the main case. Insofar as the interim maintenance awarded by the trial Court is considered, the same has been awarded only for subsistence. In the



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present case, a sum of Rs.4000/- awarded towards the 1st respondent and her minor child cannot be said to be exorbitant and can only meet the bare necessities and expenses of the respondents. In view of the same, I do not find any merit in the present petition and the same is accordingly dismissed. Consequently, connected Miscellaneous Petition is closed.

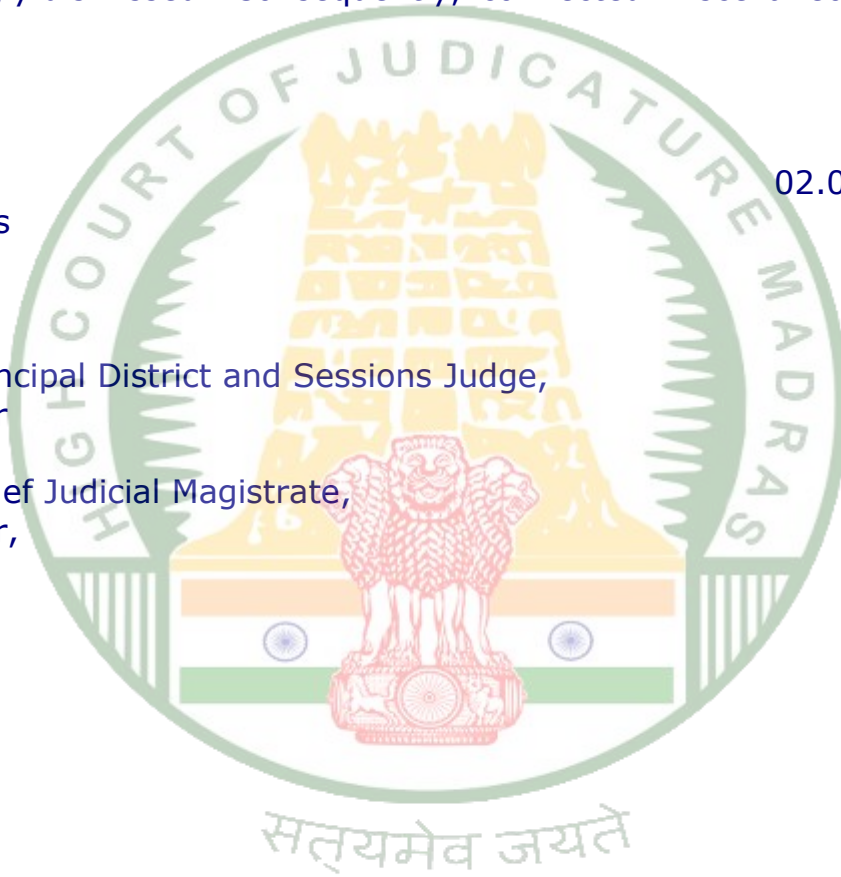
02.08.2017

Index:Yes
ms/tsi

To

1.The Principal District and Sessions Judge,
Ariyalur

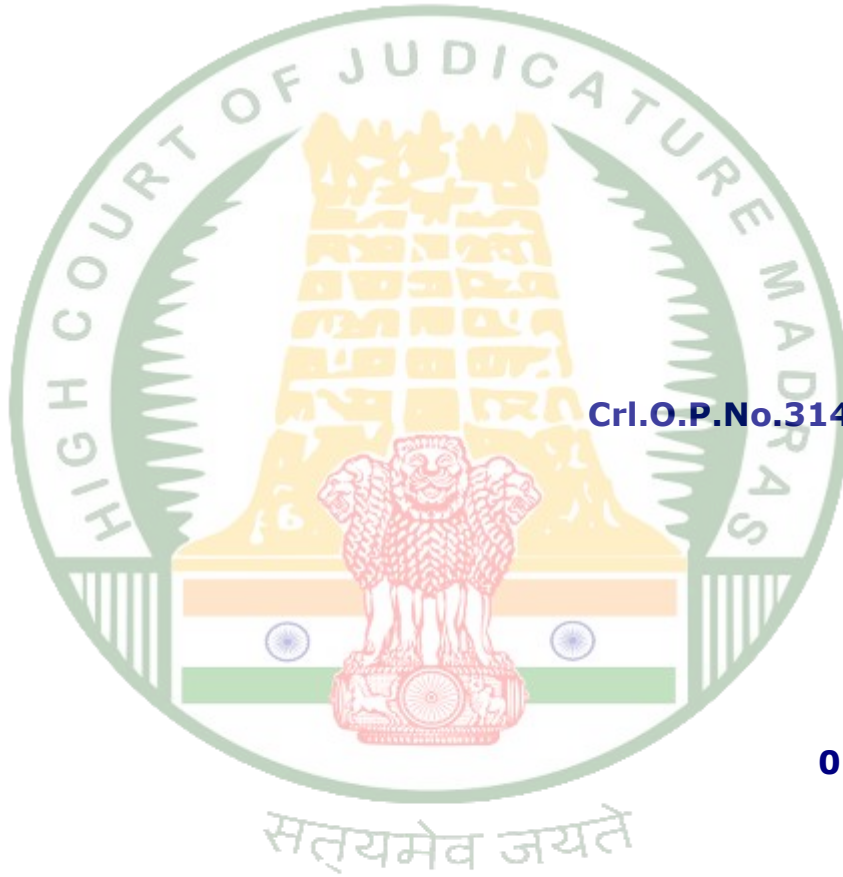
2.The Chief Judicial Magistrate,
Ariyalur,



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M.S.RAMESH.J,

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