

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty First day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.10445 of 2017

IN CRL RC.1106/2017

S. BABU

PETITIONER

Vs

B. MADHUMATHI
W/O S. BABU

RESPONDENT

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.R.C.No.1106/2017 of on the file of the High Court, the High Court will be pleased to stay the operation of the order dated 16.03.2017 passed in D.V.C.No.4 of 2017 by Additional Mahila Court, Allikulam and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances.

Order : This petition coming on for orders upon perusing the petition and Memorandum of Grounds in Crl.RC.NO.1106/2017 of On the file of the High Court and upon hearing the arguments of MR A. ARULMUOZHI, Advocate for the petitioner, and of A.P. LOGANATHAN, for the Respondent, the court made the following order:-

This petition has been filed to stay the operation of the order dated 16.03.2017 passed in D.V.C.No.4 of 2017 on the file of the learned Additional Mahila Court, Allikulam. By the said order, the learned Judge has given a set of directions to the petitioner to comply. Among other things, in the said operative portion of the order, which is impugned herein, the learned Judge directed the petitioner to pay a sum of Rs.8,000/- per month as maintenance to the respondent.

2. Ms.A.Arulmozhi, learned counsel appearing for the petitioner submits that the petitioner is working at Goa and knowing well about that the notice had not been served on the petitioner and without hearing his side, the learned Judge has

given the set of directions to the petitioner to comply with. The learned counsel would also submit that even though other parallel proceedings are going on between the parties as to whether the order passed, which is impugned herein, is to be sustained or not can be decided in the revision case and therefore in these circumstances, unless the order impugned is stayed great prejudice would be caused to the petitioner.

3. Mr.A.P.Loganathan, learned counsel appearing for the respondent would submit that though the set of directions had been given by the trial Court, insofar as maintenance aspect is concerned, the trial Court has directed the petitioner to pay a sum of Rs.8,000/- per month which is very minimum and without which, the respondent cannot survive.

4. I heard both the counsel at the admission stage and after hearing them, I am of the view that at least insofar as the direction No.3 of the impugned order is concerned, the same can not be interfered with at this stage as it is only pertaining to monthly maintenance to the respondent. Insofar as the other conditions are concerned, the same can be decided after hearing both the counsel, of course, after filing of the counter by the respondent's counsel.

5. In the result, there shall be an order of interim stay of the impugned order on condition that

(i) the petitioner shall pay a sum of Rs.8,000/- (Rupees eight thousand only) as monthly maintenance to the respondent as directed by the trial Court continuously and

(ii) the petitioner shall not cause any domestic violence against the respondent and

(iii) the petitioner shall also pay the arrears of maintenance which comes about Rs.32,000/- (Rupees thirty two thousand only) from the month of April, 2017 to July, 2017 within a period of four weeks from today.

-sd/-

21/08/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL MAHILA
COURT, ALLIKULAM

+1 C.C. To MR. A. ARULMOZHI, Advocate on payment of
necessary charges Sr.No.15827

+1 C.C. To MR. A.P. LOGANATHAN, Advocate on payment of
necessary charges Sr.No.59725

Order
in
CRL MP.10445/2017
in
CRL RC.1106/2017

Date :21/08/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

MD: 21/08/2017