



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.10.2017
CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI, J.

WEB COPY

Cr1.R.C(MD) .No.783 of 2017
and
Cr1.M.P(MD) .No.9434 of 2017

C.Ramesh

... Petitioner / Appellant /
Respondent / Respondent

Vs

R.Ambika

... Respondent /Respondent /
Petitioner / Petitioner

PRAYER: Criminal Revision case filed under Section 397(3) and 401 of the Code of Criminal Procedure, praying this Court to set aside the order passed in C.A.No.54 of 2016 dated 31.07.2017 on the file of the Additional Sessions Court, Dindigul by confirming the order passed in Cr.M.P.No.4013 of 2016 in D.V.O.P.No. 9 of 2016 dated 25.11.2016 on the file of the Judicial Magistrate No.I, Dindigul.

For Petitioner : Mr.R.Saravanan
For Respondent : No appearance

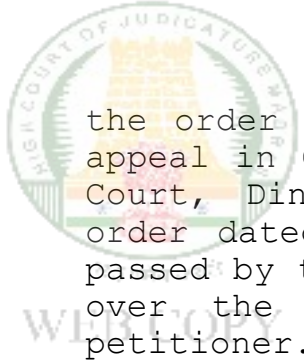
ORDER

This revision is filed against the order passed in C.A.No.54 of 2016 dated 31.07.2017 on the file of the Additional Sessions Court, Dindigul, by confirming the order dated 25.11.2016 passed in Cr.M.P.No.4013 of 2016 in D.V.O.P.No.9 of 2016 on the file of the Judicial Magistrate No.I, Dindigul.

2. The respondent filed D.V.O.P.No.9 of 2016 under the Domestic Violence Act and also filed Cr.M.P.No.4013 of 2016 for interim maintenance for a sum of Rs.20,000/- on the ground that the petitioner is earning a sum of Rs.1,00,000/- per month through his Painting Contract work and also through his farm land.

3. The petitioner filed counter affidavit denying the averments made by the respondent that he is earning a sum of Rs.1,00,000/- per month and stated that he is earning only a sum of Rs.300/- per day through his Painting Contract work and the amount claimed by the respondent is highly excessive.

4. The learned Judicial Magistrate No.I, Dindigul, on 25.11.2016, has ordered interim maintenance of Rs.5000/- to the respondent herein as against the claim of Rs.20,000/-. As against



the order of the lower Court, the petitioner preferred a criminal appeal in C.A.No.54 of 2016 before the learned Additional Sessions Court, Dindigul. The learned Additional District Judge, by its order dated 31.07.2017, dismissed the appeal confirming the order passed by the learned Judicial Magistrate No.I, Dindigul. Aggrieved over the same, the present revision has been filed by the petitioner.

5.The learned counsel for the petitioner submitted that the petitioner is earning only a sum of Rs.48,000/- per annum and he had already borne the educational expenses and other miscellaneous expenses incurred by the respondent and as such, the amount awarded by the learned Judicial Magistrate No.I, Dindigul is highly excessive.

6. Considering the facts and circumstances of the case and also considering the statement made by the petitioner in his counter affidavit that he is earning a sum of Rs.300/- per day through his painting work, which would nearly come around of Rs.1,00,000/- per annum, however, he has produced his income certificate stating that his annual income is only Rs.48,000/-, the learned Judicial Magistrate No.I, Dindigul, has correctly fixed the interim maintenance amount as Rs.5,000/- per month, which was also confirmed by the learned Additional District Judge, Dindigul. Hence, I do not find any reason to interfere with the order of the learned Judicial Magistrate No.I, Dindigul and the amount awarded is not highly exorbitant and the same is reasonable one. Therefore, the order dated 31.07.2017, passed in C.A.No.54 of 2016, by the learned Additional Sessions Judge, Dindigul, confirming the order dated 25.11.2016, passed in Cr.M.P.No.4013 of 2016 in D.V.O.P.No.9 of 2016 by the learned Judicial Magistrate No.I, Dindigul, is confirmed. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed. The petitioner is directed to comply with the order of the learned Judicial Magistrate No.I, Dindigul, within a period of four weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar (Records)

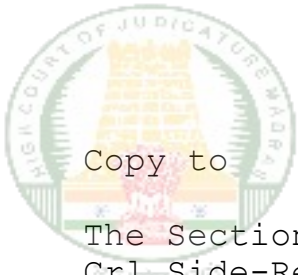
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Sub Assistant Registrar

To

1. The Additional Session Judge,
Dindigul

2. The Judicial Magistrate No.I,
Dindigul.



Copy to

The Section Officer,
Crl.Side-Record,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.R.Saravanan, ADVOCATE IN SR No.82982
msa/vsa
MK/KK/SAR-4/07.11.2017/3P/5C

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