

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

CrI.R.C.No.977 of 2018
and
CrI.M.P.No.11252 of 2018

Mrs.Dhurga .. Petitioner/Petitioner

Vs

Annadurai .. Respondent/Respondent

Criminal Revision Petition filed under Section 397 & 401 of Cr.P.C., to set aside the order made in M.C.No.46 of 2016 dated 09.07.2018 on the file of the learned Chief Judicial Magistrate, Cuddalore by allowing this appeal.

For Petitioner : Mr.M.A.Muthalakan

O R D E R

The petitioner filed a revision as against the order of the learned Chief Judicial Magistrate, Cuddalore in M.C.No.46 of 2016 dated 09.07.2018.

2.The un disputed facts are that the marriage between the petitioner and the respondent was performed in the year 1990. Thereafter, they were blessed with two children and subsequently difference of opinion arose between the petitioner and the respondent, for which, the petitioner filed H.M.O.P.20 of 2009 and accordingly divorce was granted on 22.09.2010. The petitioner filed M.C.No.12/2013 and the same was dismissed. After the dismissal of the earlier M.C.No.12/2013 the present impugned M.C.No.46/2016 was filed before the learned Chief Judicial Magistrate, Cuddalore. Considering the facts and circumstances of the case, the Lower Court dismissed the second maintenance petition on the ground that the earlier maintenance petition was dismissed and there was no challenge made in the manner known to law and the second maintenance petition is not permissible.

3. The petitioner did not disclose the challenging circumstances warranting interference in the order passed in the second application before this Court. This Court does not find any change in circumstances for interfering with the order of the Lower Court, however, this order will not stand in the way of the petitioner to workout her remedy in the manner known to law.

4. Accordingly, this Criminal Revision is dismissed.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

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Sub Assistant Registrar

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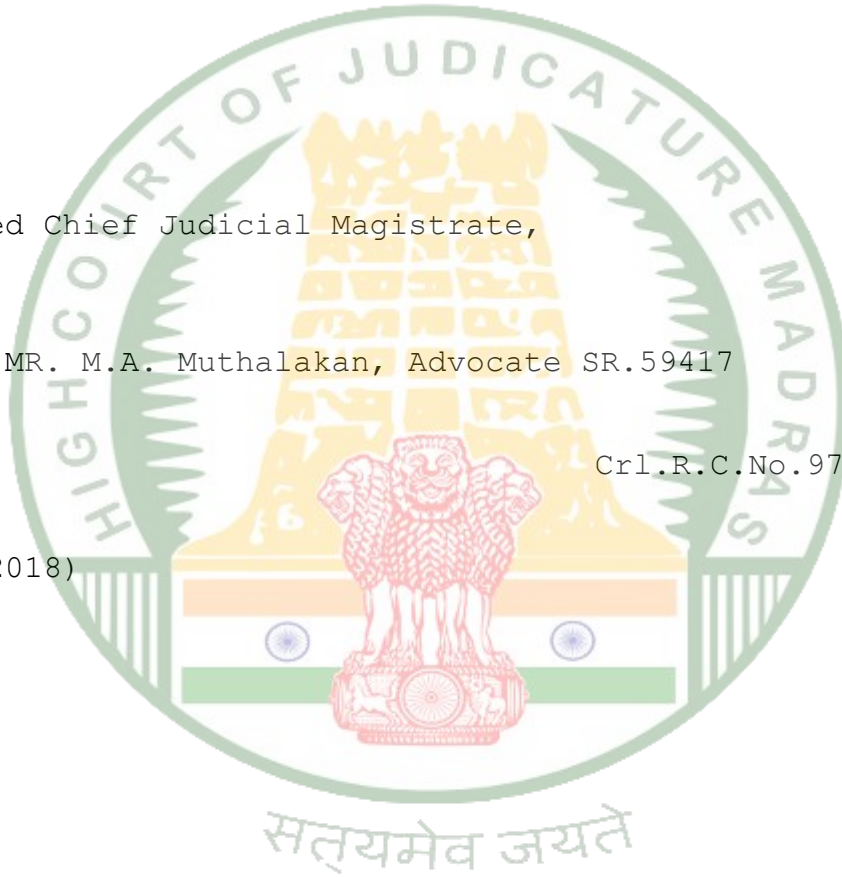
To

The learned Chief Judicial Magistrate,
Cuddalore.

+ 1 cc to MR. M.A. Muthalakan, Advocate SR.59417

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RJ(CO)
EU(24/09/2018)



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