

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.8255 of 2018

IN CRL RC.482/2018

PRIYA @ LAKSHMI PRIYA

[PETITIONER / RESPONDENT]

Vs

1 SATISH @ SRIRAM SARMA
2 PARVATHI

[RESPONDENTS / PETITIONERS
APPELLANTS]

Petition praying that in the circumstances stated therein the High Court will be pleased to pass suitable orders to confirm the order of the trial court and to vacate the interim stay granted in Crl.M.P.No.5749 of 2018 in Crl.R.C.No.482 of 2018 dated 11.04.2018.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.D.VEDA, Advocate for the petitioner and of M/S.V.RAJESH Advocate on behalf of the Respondent the court made the following order:-

The learned counsel for the petitioner has submitted that as per the conditional order dated 11.04.2018, the petitioner has deposited Rs.3,04,000/- towards arrears of maintenance awarded by the trial Court and he shall continue to pay Rs.2,800/- per mensem without fail.

2. The learned counsel for the respondent-wife has submitted that the residential order passed by the learned Judicial Magistrate in Clause (2) of the order dated 13.02.2017, was not complied with. It appears that it was an ex-parte order. In Criminal Appeal, filed before the learned Principal Sessions Judge, Kanchipuram District at Chengalpattu, the second appellant (who is the mother-in-law) of the respondent herein, has specifically stated that she is the sole and absolute owner of the property.

3. In view of the law laid down by the Hon'ble Supreme Court, I do not find that in the home of the exclusive and sole property of the mother-in-law and daughter-in-law can claim residential order.

4. In view of the same, clause(2) of the order is hereby stayed and the petitioner is permitted to pay the amount at the rate of Rs.1,500/- towards the minor child and Rs.2,000/- towards the wife, pending disposal of the revision petition.

5. Accordingly, this Criminal Miscellaneous Petition is disposed of.

-sd/-
20/07/2018

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 PRINCIPAL SESSION JUDGE,
KANCHEEPURAM DISTRICT.

2 THE JUDICIAL MAGISTRATE,
TAMBARAM.

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

+1C.C. to M/S.D.VEDA Advocate on payment of necessary charges
SR NO.13497

+1C.C. to M/S.V.RAMESH Advocate on payment of necessary charges
SR NO.13524

Order

in
CRL MP.8255/2018

in
CRL RC.482/2018

Date :20/07/2018

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MK:25/07/2018