

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.29181 of 2018
and CrI.M.P.No.17095 of 2018

Meera Mohideen ... Petitioner/Respondent-1/
Respondent-1

Vs.

Mrs.M.Zeenath Nisha,
Wife of Mr. Meera Mohideen,
No.39, Rajaji Street,
Chrompet,
Chennai-600 044. ... Respondent/Petitioner/
Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the connected records in the order dated 18 August 2018 in CrI.M.P.168 of 2018 in DV No.34 of 2017 passed by the Judicial Magistrate's Court, Tambaram and set aside the same, so far as it relates to interim maintenance of Rs.10,000/- including arrears of maintenance payable by the petitioner to the respondent.

For Petitioner : Mr.P.Pugalenth

O R D E R

This petition has been filed by the petitioner challenging the order passed by the Judicial Magistrate Court, Tambaram under the Domestic Violence Act, directing the petitioner to pay maintenance of Rs. 10,000/- to the respondent wife.

2. This petition filed before this Court is not maintainable, in view of the alternative remedy available under Section 29 of the Protection of Women from Domestic Violence Act, 2005. The petitioner must file an appeal against interim order passed by the Court below before the Court of Sessions.

3. The learned counsel for the petitioner would submit that

an appeal was in fact filed before the Principal District and Sessions Court, Chengalpet on 24.09.2018 and the same has been returned as not maintainable.

4. This Criminal Original Petition is disposed of, by giving liberty to the petitioner to represent the appeal before the Principal District and Sessions Court at Chengalpet and the concerned Court shall entertain the appeal under Section 29 of the Protection of Women from Domestic Violence Act 2005 and proceed further in accordance with law.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mpa/rpl

To

1.The Judicial Magistrate's Court,
Tambaram.

2.The Principal District and Sessions Court,
Chengalpet.

+1 cc to Mr.P.Pugalthi, Advocate Sr.No.86516

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VBA(CO)
CSL/04.01.2019

सत्यमेव जयते

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