



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.10.2018

CORAM:

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**
Crl.R.C (MD)No.368 of 2018

and
Crl.M.P. (MD)No.5138 of 2018

Velankanni : Petitioner/Respondent

Vs.

Anitha : Respondent/Petitioner

PRAYER: Revision is filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records pertaining to the order made in M.C.No.47 of 2015 dated 03.05.2018 on the file of the Chief Judicial Magistrate, Trichy and quash the same.

For Petitioner : M/s.R.Yamuna
For Respondent : Mr.Siddharthan

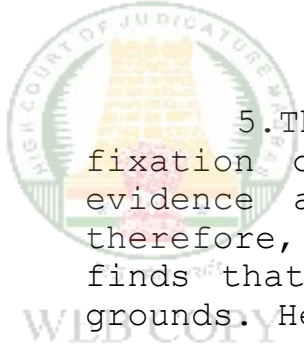
ORDER

This criminal revision case is directed against the fixation of maintenance at the rate of Rs.3,000/- per month to the respondent.

2.The petitioner herein is the husband of the respondent. They got married as per the Hindu Religious and customary rituals on 06.02.2009. Within a couple of years discard developed them leading to file a H.M.O.P.No.173 of 2011 on the file of First Additional Sub Judge, Trichy, by the petitioner herein. On the intervention of elders, the dispute was settled and both re-united in the year 2013. However, again they got separated and the revision petitioner has filed H.M.O.P.No.660 of 2013 seeking divorce. At this juncture, the respondent herein has filed M.C.No.47 of 2015 seeking maintenance of Rs.5,000/- per month.

3.The said petition was opposed by the revision petitioner herein on the ground that the respondent on her own deserted the petitioner. She has taken away all other belongings on 06.11.2013 which is led to file H.M.O.P.No.660 of 2013 for divorce. Under the said circumstances, he is not liable to pay any maintenance.

4.The Court below after considering the rival submissions, the earning capacity of the revision petitioner and the assets he holds, has fixed Rs.3,000/- per month as maintenance.



5. Though the revision petitioner herein contended that the fixation of Rs.3,000/- as maintenance is without any material evidence and the respondent has deserted him on her own and therefore, she is not entitled for any maintenance, this Court finds that there is no substantial evidence to justify the both grounds. Hence, no merits in this case.

6. In the result, this Criminal Revision Case is dismissed confirming the order dated 03.05.2018 made in M.C.No.47 of 2015 on the file of the Chief Judicial Magistrate, Trichy. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Chief Judicial Magistrate,
Trichy.

+1cc to Mr.M.Siddharthan, Advocate Sr.No.92881

CP

VB/SKN/SAR1/28.11.2018/2P/3C

ORDER MADE IN
CrI.R.C(MD)No.368 of 2018
and
CrI.M.P. (MD)No.5138 of 2018
29.10.2018