



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2018

CORAM:

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**THE HONOURABLE MR. JUSTICE P.N.PRAKASH**

CrI. R.C.(MD)No.852 of 2016 and  
CrI. M.P.(MD)No.12365 of 2016

Senthil Kumaran  
Appellant

... Petitioner/Petitioner / 1<sup>st</sup>

**-Vs.-**

Kavitha

... Respondent/Respondent/Respondent

**Prayer:** Criminal Revision Case - filed under Section 397 r/w 401 Cr.P.C., to call for the records relating to the order passed in Cr.M.P.No.2147 of 2016 in C.A.No.34 of 2016 by the Principal Sessions Judge, Dindigul District dated 29.11.2016 and set aside the same.

For Petitioner : Mr.D.Venkatesh  
For Respondent : Mr.S.Ravi

**O R D E R**

For the sake of convenience, the parties will be referred to by their name.

2. Kavitha got married to Senthil Kumaran on 03.09.2009 and they have two children through the wedlock. Their marital life ran into rough weather, resulting in Kavitha initiating proceedings under the Domestic Violence Act before the learned Judicial Magistrate, Palani in Cr.M.P.No.5766 of 2016 against Senthil Kumaran and his family members, claiming various reliefs under the Domestic Violence Act. The learned Judicial Magistrate, Palani passed the following order in Cr.M.5766 of 2016 on 02.09.2016.

*"The first respondent is directed to pay interim maintenance amoutn of Rs.4,000/- alongwith Rs.1,000/- for educational expenses totally Rs.5,000/- to the petitioner as prayed by the petitioner in this interim petition from the date*

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4. Heard the learned counsel for Kavitha and the learned counsel for Senthil Kumaran.

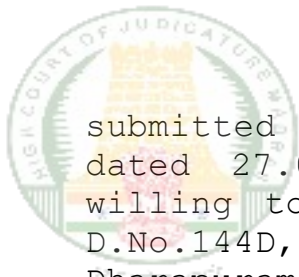
6. The learned counsel for the respondents submitted that a cost memo, claiming Rs.1,65,000/- being arrears payable by Senthil Kumaran to Kavitha and the two children, has been filed.

8. On a reading of the order passed by the learned Judicial Magistrate, Palani, it is seen that a sum of Rs.40,000/- for medical expenses and a sum of Rs.20,000/- for Education Expenses have been awarded, as one time fixed payment. The only variable amount is Rs.5,000/-. In order to show his *bona fide*, the learned counsel for Senthil Kumaran handed over Rs.50,000/- by cash to the learned counsel for Kavitha as part payment of the admitted amount of Rs.1,45,000/-.

9. The learned counsel for Senthil Kumaran submitted that the balance amount of Rs.95,000/- will be deposited before the trial Court, if six weeks time is granted.

<https://hcservices.courts.ca.gov/hcservices/>

11. The learned counsel for Senthil Kumaran further



submitted that Senthil Kumaran has filed an undertaking affidavit dated 27.07.2017, wherein, his client has stated that he is willing to provide accommodation to Kavitha and two children at D.No.144D, Gopal Doctor Street, near Rana Kaliyamman Temple, New Dharapuram Road, Palani.

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12. The learned counsel for Kavitha also stated that his client will accept. Senthil Kumaran is directed to file an undertaking affidavit before the learned Judicial Magistrate, Palani in the Domestic Violence Act proceedings for appropriate orders to be passed.

13. In view of the above, this criminal revision case is closed, however, with a direction to the learned Principal Sessions Court, Dindigul, to dispose of C.A.No.34 of 2016, expeditiously, within a period of three months from the date of receipt of a copy of this order, provided Senthil Kumaran and Kavitha co-operate. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

**To**

1. The Principal Sessions Judge,  
Dindigul.

2. The Judicial Magistrate,  
Palani.

+ 1 CC TO Mr.D.VENKATESH, ADVOCATE IN SR No. 41070

+ 1 CC TO Mr.S.RAVI, ADVOCATE IN SR No. 40944

SM

TE/SV-MMS/SAR-1 : 23/01/2018 : 3P/5C

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