

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.02.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.OP.No.20386 of 2018 and
Crl.MP.No.10937 of 2018

Ashraf, S/o.Kamal Alisha,
Aged 34 years,
5/10, K.K.Nagar,
Thiyagadurgam,
Villupuram District.

... Petitioner

Vs.

1.A.S.Melan
D/o.K.Abdul Sulthan,
1, Periyasamy Nagar,
Gundu Uppalavadi,
Manjakuppam, Cuddalore.

2.Minor Hajiya Begum,
S/o.K.Asraf,
Rep. by Mother/Guardian

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
to set aside the order dated 11.04.2018 passed in
Crl.R.C.No.30/2016 on the file of the Principal Sessions Judge,
Cuddalore confirming the order dated 12.08.2016 passed in
M.C.No.51/2014 on the file of the Chief Judicial Magistrate
Court, Cuddalore directing the petitioner to pay the maintenance
of Rs.10,000/- each to the respondents.

For Petitioner :Mr.I.C.Vasudevan

For Respondents:Mr.Prakash Adiapadam

O R D E R

The petitioner challenging the order in Crl.R.C.No.30/2016
passed by the Principal Sessions Judge, Cuddalore, confirming
the order dated 12.08.2016 passed in M.C.No.51/2014 on the file
of the Chief Judicial Magistrate Court, Cuddalore, directing the
petitioner to pay a sum of Rs.10,000/- each, to the respondents
as maintenance .

2.The learned counsel appearing for the petitioner would
submit that the petitioner's take home salary is only

Rs.66,000/- and the 1st respondent is also an M.Sc., B.Ed., graduate and is also working in a private school as a Teacher and therefore, the maintenance ordered by the learned trial Court is very high and warrants interference.

3.Per contra, the learned counsel appearing for the respondents would submit that the learned trial Court ordered only a sum of Rs.20,000/- for two persons (ie.,) wife and minor child and now the 2nd respondent is studying in a school. The 1st respondent is not working as alleged by the petitioner. Moreover, he pointed out that it amounts to second revision, since already the District Court by way of revision in Crl.Rc.No.30 of 2016, confirmed the order passed by the Chief Judicial Magistrate, Cuddalore. Therefore, he prayed for dismissal of this Petition.

4.Heard Mr.I.C.Vasudevan, learned counsel appearing for the petitioner and Mr.Prakash Adiapadam, learned counsel appearing for the respondents.

5.It is seen that the petitioner is the husband, 1st respondent is the wife and the 2nd respondent is the minor child. The petitioner is a software Engineer working as Chief Technologist at Tech Mahindra Sathiya Computer Service Limited, Sholinganallur, Chennai and is earning about a sum of Rs.75,000/- per month. Further it is also seen that the petitioner filed a divorce petition and the 1st respondent filed a petition for restitution of conjugal rights.

6.Under these facts and circumstances, this Court finds no irregularity and infirmity in the order passed by the Court below. Therefore, the impugned order warrants no interference by this Court and therefore, this Court is not inclined to allow this petition.

Accordingly, this Petition is dismissed. Consequently, Connected Crl.M.P is also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sai

To

1. The Principal Sessions Judge,
Cuddalore

2.The Chief Judicial Magistrate,
Cuddalore.

+1cc to Mr.Prakash Adiapadam, Advocate sr.18122

+1cc to Mr.I.C.Vasudevan, Advocate sr.no.17527

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vsn-ii
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