

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.854 of 2018

1.Deejay Dayal
2.Geetha Gopal

...Petitioners

-Vs-

Parimala

...Respondent

PRAYER: Criminal Revision Case has been filed under Section 397 and 401 of Criminal Procedure Code, to set aside and revise the Judgment dated 20.04.2018 passed in Criminal Appeal No.62 of 2018 by the learned XVI Additional City Civil Judge, Chennai by modifying the exparte order dated 12.05.2016 passed in C.C.No.5216 of 2013 by the learned V Metropolitan Magistrate, Egmore, Chennai.

For Petitioners : Mr.K.S.Kaviarasu

For Respondent : Ms.Shaikh Mehrunisa

ORDER

This Criminal Revision Case has been filed under Section 397 and 401 of Criminal Procedure Code, to set aside and revise the Judgment dated 20.04.2018 passed in Criminal Appeal No.62 of 2018 by the learned XVI Additional City Civil Judge, Chennai modifying the exparte order dated 12.05.2016 passed in C.C.No.5216 of 2013 by the learned V Metropolitan Magistrate, Egmore, Chennai.

2 While admitting the revision this Court passed an order of interim stay dated 18.09.2017. Thereafter the petitioners filed the petition in Criminal Miscellaneous Petition No.12437 of 2018 for modification and this Court modified the award amount Rs.30,000/- to Rs.20,000/-

3 The learned counsel for the respondent would submit that till now the petitioners have not complied with the modification order passed by this Court. It is more than a year and the petitioners are not ready to argue the revision.

4 Therefore this Court considering all the facts and circumstances the complaint filed under Section Domestic Violence Act, the respondent is the wife and the first petitioner is the husband.

5 The petitioner submitted that he filed the IT Statement towards his annual income of Rs.2,43,260/- but whereas P.W.4 shows that his monthly income is Rs.1,00,000/- . Considering the income status of the revision petitioner, the Court below awarded a sum of Rs.30,000/- per month for interim maintenance. Even though, the trial Court passed an award Rs.60,000/- per month towards interim maintenance in C.C.No.5216 of 2013, and the same was modified by the lower appellate Court as Rs.30,000/- per month.

6 Therefore, the relationship between the parties are not in dispute and also the respondent is living separately which also not in dispute. Considering the facts and circumstances of the case and also the financial status of the revision petitioners and the respondent, this Court does not find any perversity in the order passed by the appellate Court. There is no merit in the revision. In order to protract the case and to evade the payment of maintenance amount even after passing of the modification by the Court in two occasion, the petitioner is not ready to comply with the order passed by this Court and also not co-operating to dispose the revision also. Under these circumstances, the attitude of the revision petitioners are very clear that, in order to protract the case and drag on to pay the interim maintenance amount they have approached this Court. Therefore, this Court does not find any merit in the present Criminal Revision case.

7 In the result, the present Criminal Revision Case is dismissed.

sbn

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The XVI Additional Sessions
Judge, City Civil Court,
Chennai.

2. The V Metropolitan Magistrate,
Egmore, Chennai.

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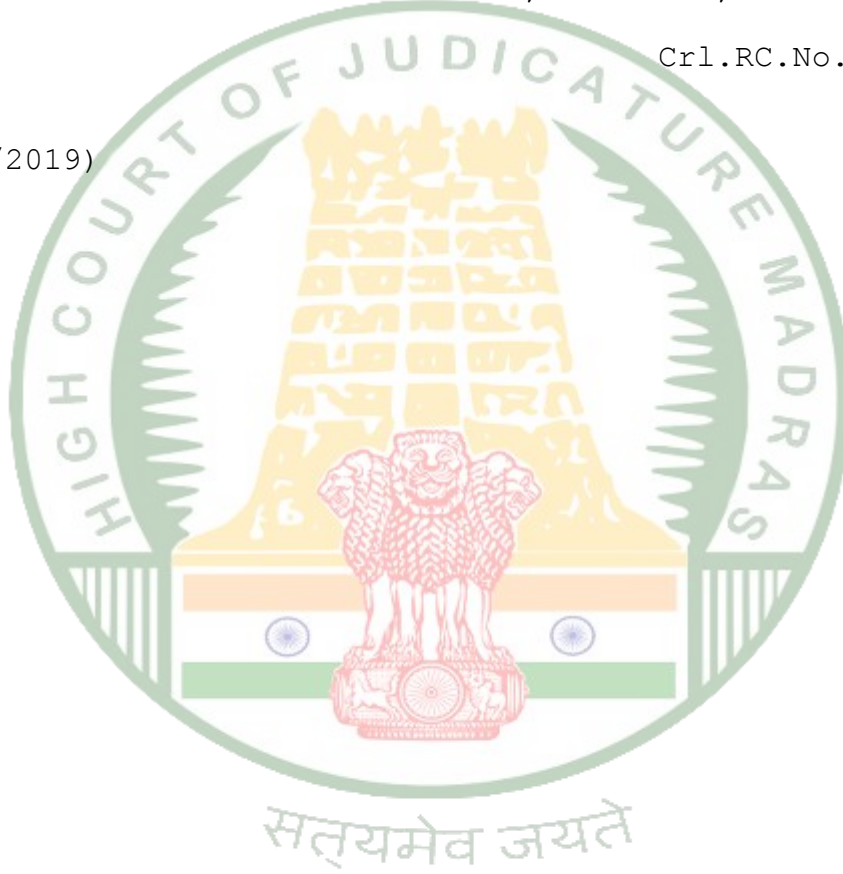
The Section Officer,
Criminal Section,
High Court, Madras - 104.

+lcc to Mr.K.S.Kaviarasu, Advocate, SR.No.42863

+lcc to Mr.J.B.Solomon Peter Kamalesh, Advocate, SR.No.41860

Cr1.RC.No.854 of 2018

Kak(24/09/2019)



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