

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.Nos.1020 & 1106 of 2017 and 478 of 2018
and
Crl.M.P.Nos.9633 & 10445 of 2017 and 5730 of 2018

Usha Rani

S.Babu

....Petitioner in Crl.RC.No.1020 of 2017
....Petitioner in Crl.RC.Nos.1106 of 2017 & 478 of 2018

Vs.

B. Madhumathi

....Respondent in all RC.'s

Prayer in Crl.RC.No.1020 of 2017: The Criminal Revision is filed under Section 397 read with Sections 401 of Code of Criminal Procedure to set aside the order dated 16.03.2017 made in D.V.C.No.04 of 2017 by the learned Additional Mahila Court, Periamet.

Prayer in Crl.RC.No.1106 of 2017: The Criminal Revision is filed under Section 397 read with Sections 401 of Code of Criminal Procedure to set aside the order dated 16.03.2017 made in D.V.C.No.04 of 2017 by the learned Additional Mahila Court, Periamet.

Prayer in Crl.RC.No.478 of 2018: The Criminal Revision is filed under Section 397 read with Sections 401 of Code of Criminal Procedure to set aside the order dated 31.01.2018 made in M.P.No.477 of 2016 to pay the maintenance of Rs.4,000/- in addition of Rs.8,000/- ordered in D.V.C.No.4 of 2017 by the learned V Additional Family Court at Chennai.

For Petitioners : M/s.A.Arulmozhi (In all Cases)

For Respondent : Mr.A.P.Loganathan (In all Cases)

O R D E R

Crl.RC.No.1020 of 2017 has been filed by the mother-in-law of the petitioner in D.V.C.No.4 of 2017 and the petitioner prays to set aside the order dated 16.03.2017 in D.V.C.No.4 of 2017 whereby the petitioner along with her son were directed to return the list of jewels and certificates as mentioned in Ex.P2 and Ex.P3 to the petitioner in D.V.C.No.4 of 2017.

2. Crl.RC.No.1106 of 2017 has been filed by the husband of the petitioner in D.V.C.No.4 of 2017 and he challenges the order passed in D.V.C.No.4 of 2017 dated 16.03.2017 whereby the petitioner was directed to pay maintenance of Rs.8,000/- and further directed to provide decent accommodation to the petitioner to his wife in Chennai.

3. Crl.RC.No.478 of 2018 has been filed by the husband against the order in M.P.No.477 of 2016 on the file of the learned V Additional Family Judge, whereby the petitioner was directed to pay a sum of Rs.4,000/- as maintenance in addition to pay a sum of Rs.8,000/- ordered under D.V.C.No.4 of 2017.

4. The marriage between the parties took place on 11.05.2014. After the marriage, the spouses were living together. Thereafter, difference of opinion arose between them. It is the contention of the wife that the husband deserted her without any valid reason. Therefore, she filed a petition claiming maintenance before the learned V Additional Family Court Judge, Chennai in M.C.No.615 of 2015. In the meantime, the petitioner has also filed a case under Domestic Violence Act and the same was registered on the file of the learned Metropolitan Magistrate, Additional Mahila Court in D.V.C.No.4 of 2017. The learned Mahila Court Judge ordered a sum of Rs.3,00,000/- as monthly maintenance to wife and husband has directed to provide decent accommodation to his wife or to pay a sum of Rs.7,000/- as monthly rent.

5. In the meantime, the learned V Additional Family Court Judge has passed an interim order directing the husband to pay a sum of Rs.4,000/- in addition to pay a sum of Rs.8,000/- ordered by the Mahila Court Judge.

6. Challenging the same, three revisions have been filed as mentioned above. For the sake of convenience, the parties are referred as per their relationship.

7. The learned counsel appearing for the husband would contend that the order passed by the learned Mahila Court was an ex-parte order. According to the learned counsel, notice was not

served on them and if at all notice was really served on them, they could have contest the matter and an order could have been passed. According to the learned counsel, the amount of maintenance ordered by the learned Additional Mahila Court is excessive and therefore, the same warrants interference.

8. The learned counsel appearing for the mother-in-law would reiterate the arguments made by the learned counsel for the husband.

9. The order passed by the learned Mahila Court is an appealable order and the parties aggrieved may approach the Court of Sessions and file an appeal. The learned counsel vehemently argued that the maintenance amount ordered by the Mahila Court and the Family Court are excessive and the same warrant interference.

10. It is seen that the learned Mahila Court, Periamet has ordered a sum of Rs.8,000/- as monthly maintenance. The learned Judge, Family Court, Chennai in his order has awarded a sum of Rs.4,000/-, in addition to the maintenance amount ordered by the learned Mahila Court, Periamet.

11. Since the order passed by the Additional Mahila Court under Domestic Violence Act is appealable and no revision will lie, these revision are not maintainable.

12. In the result, all the three Revision Cases are dismissed. However, liberty is granted to the revision petitioners to approach the Court of Sessions by filling appeals against the orders of the learned Additional Mahila Court, Periamet. In case appeals are filed, the Sessions Court is directed to consider the period of pending revision for the purpose of limitation and the same shall be excluded, while computing the period of limitation. However, the petitioners are directed to pay a sum of Rs.10,000/- per month to the respondent from the date of application filed under Domestic Violence Act till the disposal of this revision.

13. In the result, with the above directions, these Criminal Revision Cases are dismissed. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(Insp.cell

//True copy//

Sub Assistant Registrar

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To

1. The V Additional Family Court at Chennai.

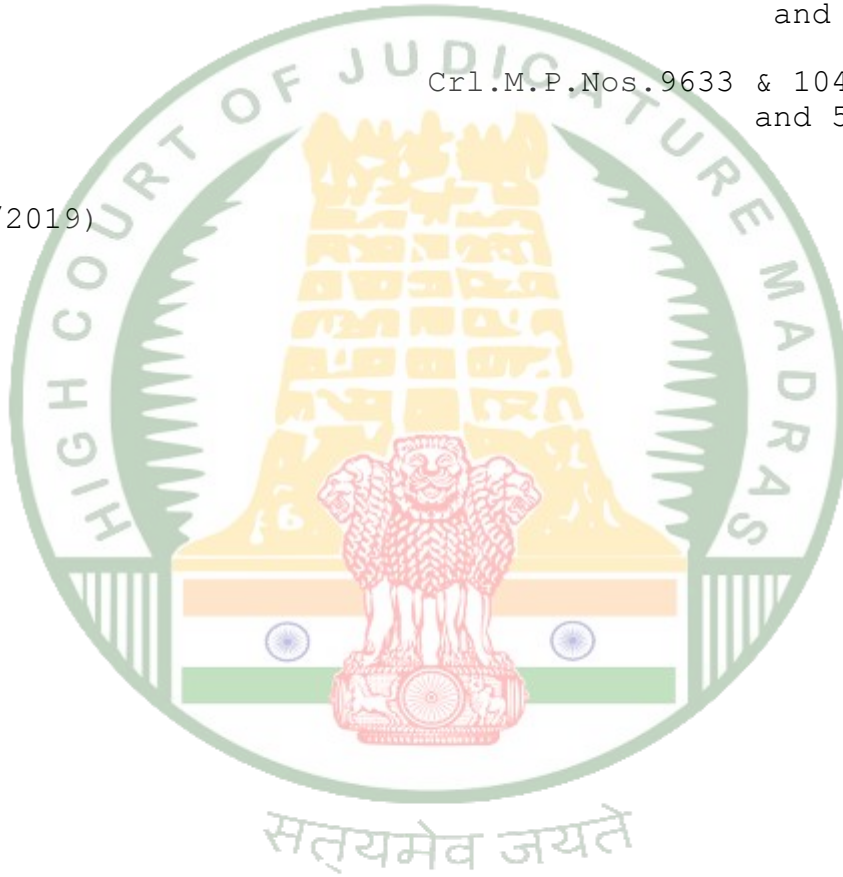
2. The Additional Mahila Court, Periamet.

+9cc to M/s.A.Arulmozhi, Advocate SR.No.23849, 23850, 23851

+1cc to Mr.A.P.Loganathan, Advocate SR.No.24634

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GJ(CO)
GMY(01/07/2019)



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