

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.No. 27895 of 2018
and
Crl.MP. No. 16159 of 2018

Sampath

...Petitioner

-Vs-

Maliga

..Respondent

Prayer: Criminal Original Petitions filed under Section 482 of Cr.PC to set aside the order dated 05.10.2018 passed in CMP. No. 153 of 2018 in Crl.RP. No. 5 of 2018 by the learned III Additional District and Sessions Court, Kallakurichi.

For Petitioner : M/s. R. Poornima

For Respondent : No Appearance

ORDER

The prayer sought for in the present petition is to set aside the order dated 05.10.2018 passed in CMP. No. 153 of 2018 in Crl.RP. No. 5 of 2018 by the learned III Additional District and Sessions Court, Kallakurichi.

2. Heard the learned counsel for the petitioner. No Appearance on behalf of the respondent. Perused the documents available on record.

3. The case of the petitioner is that the petitioner has filed a maintenance case in MC. No. 1 of 2014 as against the respondent/wife before the learned Judicial Magistrate, Kallakurichi, in which, the trial Court has ordered maintenance of Rs.6000/- i.e to be paid Rs.3000/- each by his sons by an order dated 07.10.2017. The respondent/wife has also filed a maintenance petition in M.C.No. 17 of 2014 against the petitioner herein/husband before the same Court, in which the trial Court has ordered to pay maintenance of Rs.5000/- to the

respondent herein by the petitioner by an order dated 22.12.2017. Aggrieved against the said order, the petitioner herein has preferred a revision petition in Cr.R.P. No. 5 of 2018 before the III Additional District Judge, Kallakurichi to stay the further operation of the order passed in M.C.NO. 17 of 2015. The learned Additional District Judge, Kallakurichi by an order dated 05.10.2017 in CMP.No. 153 of 2018 has granted stay of execution proceedings on condition that the petitioner herein has to pay a sum of Rs. 1,12,500/- towards half of the arrears of maintenance to the respondent herein on or before the 22.10.2018. To set aside the order passed in CMP. No. 153 of 2018 dated 05.10.2017, the present Criminal Original Petition has been filed.

5. Considering the facts and circumstances of the case, this Court is of the view that there is no merit in the present petition seeking to set aside the order passed by the first Appellate Court.

In view of the above, the present Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The III Additional District
and Sessions Court,
Kallakurichi.

सत्यमेव जयते

CrI.OP.No. 27895 of 2018
and

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