



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

Crl.O.P.(MD) No.765 of 2018
and
Crl.MP(MD)No.329 of 2018

Arun Muruganantham

...Petitioner/Petitioner/Respondent
Vs.

1. Mano Bala

2. Minor.Yashika

(first respondent represented by her and her
daughter as guardian and next friend)

...Respondents/Respondents/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and set aside the order passed by the learned Principal District and Sessions Judge, Pudukottai in Crl.R.C.No.18 of 2016 dated 12.10.2017, modifying the order passed by the Chief Judicial Magistrate, Pudukottai in MC.No.7 of 2014 dated 01.11.2016.

For Petitioner : Mr.K.P. Narayanakumar

ORDER

This petition has been filed challenging the order passed in Crl.R.C.No.18 of 2016 dated 12.10.2017, thereby modifying the order passed by the Chief Judicial Magistrate, Pudukottai in MC.No.7 of 2014 dated 01.11.2016.

2. The learned counsel for the petitioner submitted that the petitioner is the husband of the first respondent and they got married on 05.05.2010. Thereafter due to their wedlock they got one child and due to some misunderstanding they got separated and the first respondent filed a maintenance case seeking maintenance in MC No. 7 of 2014. But even before that the petitioner filed petition in IDOP No.26 of 2013 on the file of the Principal Sessions Court, Pudukottai. Pending this petition the first respondent filed maintenance case. The learned Chief Judicial Magistrate after considering the rival submissions awarded an order of maintenance to the first respondent a sum of Rs.10,000/- and Rs.5000/- to the second respondent, payable by the petitioner. As against which the petitioner preferred revision in Crl.RC.No. 18 of 2016 and the learned Principal District and Sessions Court, Pudukottai has modified the maintenance to the first respondent a sum of Rs.5,000/- and Rs.7000/- to the second respondent and also directed to pay 50% of the education expenses. The learned counsel for the



petitioner further submitted that the first respondent is a doctor and there is no need to order maintenance to the first respondent. Further after filing divorce petition by the petitioner, first respondent filed maintenance case and such he is not willing to pay any maintenance to the respondent.

WEB COPY

3. The learned counsel for the respondent submitted that immediately after giving birth to the second respondent, the first respondent was driven out from her matrimonial home and even till today the petitioner only maintained the respondents herein. Further the trial court rightly ordered maintenance for a sum of Rs.15000/- to the respondents, unfortunately the revision court reduced the maintenance amount to Rs.12000/- without any reason. Therefore he sought for dismissal of the said petition.

4. Heard the learned counsel appearing on either side and perused the materials placed on record.

5. The petitioner and the first respondent got married on 05.05.2010. Thereafter due to their wedlock they got one child and due to some misunderstanding they got separated. The petitioner filed divorce petition on the ground of cruelty as against the respondent and pending divorce petition the first respondent filed maintenance case. After examination of witnesses and on perusal of documents, the learned Magistrate ordered maintenance and said maintenance was reduced by the revision Court. On perusal of the order passed by the learned Principal District and Sessions Court, Pudukottai, it is seen that the petitioner is working as a Block Development Officer and he is earning salary more than Rs.1,00,000/-. The revision Court reduced the maintenance to the first respondent a sum of Rs.5,000/- and Rs.7000/- to the second respondent. Hence this Court finds no reason to interfere with the order passed by the revision Court. The petitioner being the husband, he has maintain the respondent.

6. Hence this Criminal Original Petition is dismissed. Consequently connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar(CS)

aav



To

1. The Principal District and Sessions Judge, Pudukotttai

2. The Chief Judicial Magistrate, Pudukotttai

Cr1.O.P.(MD) No.765 of 2018
14.11.2019

al(CO)
TR(29.11.2019) 3P 3C