



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.6612 of 2015

and

MP(MD)No.1 of 2015

WEB COPY

Kuzhanthai Velu

... Petitioner

Vs.

Mallika

... Respondent

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order passed in Crl.R.P.No.10 of 2013 on the file of the Additional Sessions Court, Ramanathapuram dated 28.10.2014 confirming the order passed in Cr.M.P.No.538 of 2012 in M.C No.42 of 1988 Chief Judicial Magistrate, Ramanathapuram dated 14.05.2013.

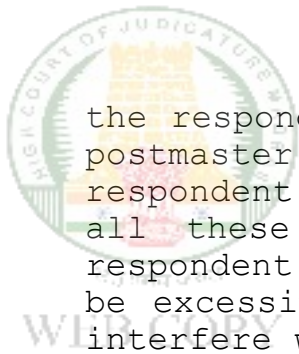
For Petitioner : Mr.V.Kannan

For Respondent : Mr.R.Babu Jaganath

ORDER

The petitioner got married to the respondent in the year 1982. The marriage was also subsequently dissolved. But then, the respondent was granted maintenance of Rs.350/- per month in M.C No.42 of 1988 on the file of the Chief Judicial Magistrate, Ramanathapuram. Seeking enhancement of the said amount, the respondent herein filed Cr.M.P No.538 of 2012. She wanted a sum of Rs.3,000/- per month to be awarded. But then, the learned Chief Judicial Magistrate, Ramanathapuram awarded a sum of Rs.1200/- per month. Challenging the same, the petitioner herein filed a revision petition before the Additional Sessions Court, Ramanathapuram. The same was dismissed. Challenging the said dismissal order dated 28.10.2014 made in Cr.R.P No.10 of 2013 on the file of the Additional District and Sessions Judge, Ramanathapuram, this petition has been filed.

2.It is well settled that a second revision is not maintainable. There is a statutory bar set out in terms of Section 397(3) of Cr.PC. The learned counsel appearing for the petitioner states that this petition has been filed under Section 482 of Cr.PC and not under Section 397 of Cr.PC. But then, the statutory bar contained in Section 397(3) of Cr.PC cannot be overcome by invoking the inherent powers of this Court. Of course, inherent powers of this Court are available only to meet certain exceptional contingencies. The case on hand will not fall under any of such cases. After all a meagre sum of Rs.1200/- has been awarded to



the respondent. It is unfortunate that the petitioner is a retired postmaster and yet he is challenging the award amount granted to the respondent. The learned counsel for the respondent submitted that all these years not even a single pie has been paid to the respondent. The amount awarded to the respondent cannot be said to be excessive by any stretch of imagination. I find no ground to interfere with the orders passed by the courts below. This petition stands dismissed. Consequently, connected miscellaneous petition is also stands dismissed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Additional Sessions Court, Ramanathapuram.

2.The Chief Judicial Magistrate, Ramanathapuram.

+1 CC to Mr.V. KANNAN, Advocate (SR-90807[F] dated 01/10/2019)

+1 CC to Mr.R.BABU JAGANATH, Advocate (SR-91141[F] dated
03/10/2019)

CrI OP(MD)No.6612 of 2015

and

MP(MD)No.1 of 2015

01.10.2019

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MK (2.10.2019) 2P 5C