



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM

THE HONOURABLE Mr. JUSTICE R. MAHADEVAN

Crl.R.C.No.473 of 2018
and
Crl.MP.No.6038 OF 2018

N.Govindaswamy ..Petitioner/Respondent

Vs.

Kaliammal ..Respondent/Petitioner

Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to set aside the order dated 16.03.2018 passed in M.C.No.4 of 2013 on the file of the learned Judicial Magistrate No.1, Tirupattur, Vellore District.

For Petitioner: M/s.G.Thyagarajan

For Respondent : Mr.S.V.Karthikeyan

O R D E R

The petitioner herein is the husband and the respondent herein is the wife. Due to a matrimonial dispute between them, the parties are living separately. The respondent filed a maintenance case in MC.No.4 of 2013 before the Judicial Magistrate No.1, Tirupattur, Vellore District. On consideration of the materials available on record, the Court below ordered the petitioner to pay a sum of Rs.2,400/- as monthly maintenance to the respondent from the date of filing of the petition for maintenance. Challenging the same, the present Criminal Revision Case has been filed by the petitioner / husband.

2.The learned counsel for the petitioner submitted that the respondent/wife filed the maintenance case, upon getting divorce from the petitioner, that too, after a period of 32 years and she deposed in her evidence before the Court below that she married one Arunachalam and is living with him. Hence, according to the learned counsel, the respondent is not entitled for maintenance.



3.The learned counsel for the respondent fairly conceded the submissions so made by the learned counsel for the petitioner.

4.Considering the submissions made by the learned counsel on either side and also having regard to the admitted fact that after divorce, the respondent got re-married, this Court is of the view that the respondent is not entitled for maintenance from the petitioner, as per Section 125 Cr.P.C.

5.In such view of the matter, the order dated 16.03.2018 passed by the learned Judicial Magistrate No.1, Tirupattur, Vellore District, is set aside and this Criminal Revision Case stands allowed. Consequently, the connected miscellaneous petition is closed.

dpq

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The Judicial Magistrate No.1,
Tirupattur, Vellore District.

+ 1 cc to Mr.G. Thyagarajan, Advocate Sr.16508
+ 1 cc to Mr.S.V. Karthikeyan, Advocate Sr.16879

Cr1.R.C.No.473 of 2018

NRJK(CO)

EU 9.7.2020