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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2020

CORAM

THE HONOURABLE Mr. JUSTICE R. MAHADEVAN

Crl.R.C.No.133 of 2016
and
Crl.M.P.Nos.908 to 910 of 2016

Sivantharaj @ Soundararaj ... Petitioner

Vs.

Vanaroja ... Respondent

Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to call for the records in M.C.No.34 of 2011 dated 07.10.2014 on the file of the Chief Judicial Magistrate at Cuddalore District, Cuddalore and set aside the same as illegal, arbitrary and against the law.

For Petitioner : Mr.T.Suresh

For Respondent : Mr.R.Karunakaran

O R D E R

The petitioner herein is the husband and the respondent herein is the wife. The case of the respondent before the Trial Court is that after the marriage between the respondent and the petitioner which took place on 10.10.1965, both of them lived together in Samiarpettai, Cuddalore and thereafter, the petitioner went to Singapore and developed illegal intimacy with one Jamunarani and married her. But, the petitioner was regularly sending money to the respondent every month. Thereafter, the petitioner came to Chennai and developed intimacy with one Santhi. At one point of time, on 10.08.2011, the petitioner had executed a settlement deed in favour of the son of the respondent, but subsequently the settlement deed was cancelled on 20.09.2011 due to the insistence on the part of the said Santhi. With the above background, the respondent filed a petition for maintenance before the Trial Court stating that she cannot live with her husband. Considering the materials available on record, the Trial Court accepted the contentions raised on behalf of the



respondent and ordered the petitioner herein to pay a monthly maintenance of Rs.2,500/- to the respondent regularly, by 5th of every month. Challenging the same, the petitioner has come up with this Criminal Revision Case.

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2.The learned counsel for the petitioner has submitted that the maintenance petition has been filed by the respondent only to grab the property of the petitioner. It is also submitted that the petitioner sold his property at Cuddalore and had given a sum of Rs.2,25,000/- to the respondent towards full and final settlement and for maintenance and that out of the said amount, the respondent purchased agricultural lands at Alapakkam Village and also purchased some housing plots. Stating so, the learned counsel prayed for quashing the impugned order.

3.The learned counsel for the respondent has submitted that the petitioner did not opt to give oral evidence before the Trial Court. He further submitted that the Trial Court has considered the oral and documentary evidence adduced on the side of the respondent and ordered the petitioner to pay a sum of Rs.2,500/- as monthly maintenance to the respondent and hence the same does not require any interference.

4.Heard both sides and perused the papers.

5.This Criminal Revision was admitted way back on 10.03.2016. It is also seen that stay of the proceedings of the Court below was granted in the condone delay petition till 18.01.2016 and thereafter, the same was not extended and the matter has been kept pending till this date. The petitioner has not taken any steps to proceed along with the case. Further, taking note of the facts and circumstances of the case, the amount of Rs.2,500/- fixed as maintenance by the Trial Court, seems to be very reasonable.

6.In view of the above stated circumstances, the Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

KM



To

The Chief Judicial Magistrate at Cuddalore District,
Cuddalore.

Copy to :

The Section Officer,
Criminal Section, High Court, Madras

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A.SK(26/02/2020)