



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P.No.4688 of 2016
and Crl.MP No.2473 of 2016

Velusamy ...Petitioner/Appellant/Respondent

-Vs-

1. Vasanthamani
2. V.Senthil Prabu ..Respondents /Petitioners

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in pertaining to the order dated 21.12.2015 passed in Crl.R.P. No.1 of 2015 by the 1st Additional District and Sessions Judge, Tirupur, partly allowing the order dated 28.01.2015 passed by the Judicial Magistrate, Palladam in M.C.No.13 of 2006 and setaside the same.

For Petitioner : Mr.S.R.Sankarappan

For Respondent : Mr.B.Vijay

O R D E R

This Criminal Original petition has been filed seeking to quash the order dated 21.12.2015 passed in Crl.R.P. No.1 of 2015 by the 1st Additional District and Sessions Judge, Tirupur, partly allowing the order dated 28.01.2015 passed by the Judicial Magistrate, Palladam in M.C.No.13 of 2006.

2. The petitioner is the husband and the 1st respondent is the wife. The marriage between the appellant and the respondent was solemnized on 02.11.1986. Out of their wedlock, two children were born to them. While the 1st respondent is alive, the petitioner had married another women and deserted the 1st respondent and children. Therefore, the 1st respondent had filed a maintenance case in M.C.No.13/2006 against the petitioner seeking for maintenance. The trial Court after examining all the witnesses and documents has directed the petitioner to pay a monthly maintenance of Rs.10,000/- per month, on or before 5th of every month, from the date of filing the petitioner. As against the order passed by the Trial Court, the petitioner herein filed Criminal Revision Petition before the I Additional District and



Sessions Judge, Tirupur in CrI R.P.No.1/2015 and the Lower Appellate Court vide order dated 21.12.2015 had modified the order and reduced the monthly maintenance from Rs.10,000/- to Rs.6,000/-. Challenging the said order, the petitioner filed this Criminal Original petition.

3. The learned counsel for the petitioner submitted that the trial Court has failed to see that the earnings of the petitioner is not proved by them and further, he is also duty bound to take care of his second wife, children and his parents, who are aged persons and therefore, prays for setting aside the order passed by the 1st Additional District and Sessions Judge, Tirupur.

4. Considering the entire facts and circumstances of the case and also of the fact that the amount fixed by the Court below towards interim maintenance to the wife and children, is only a very meager amount and therefore, this Court does not find any illegality or infirmity in the order passed by the I Additional District and Sessions Judge, Tirupur and accordingly, the same is hereby confirmed. The petitioner is directed to pay the arrears amount, if any, within a period of two months from the date of receipt of copy of this order.

5. Accordingly, this Criminal original petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

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To

1. The learned Judicial Magistrate No.I,
Palladam
2. The 1st Additional District and Sessions Judge,
Tirupur.
3. The Additional Public Prosecutor,
High Court of Madras, Chennai.

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RLD (CO)

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GM (03/08/2021)