

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4249 of 2021

and

Crl.M.P.No.2711 of 2021

Periyasamy ... Petitioner/Petitioner/Appellant/Respondent

Vs.

Anaiyammal ... Respondent /Respondent/Petitioner

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to set aside the order passed in Crl.M.P.No.530 of 2020 in Crl.Rev.No.02 of 2020 dated 18.01.2021 on the file of the learned Principal District and Sessions Judge, Perambalur.

For Petitioner : Mr.C.Muruganandam

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner to stay further proceedings in the matrimonial case.

2. The respondent had filed a matrimonial case against the petitioner in M.C.No.41 of 2017 and the learned Judicial Magistrate, Perambalur, passed an order directing the petitioner to pay maintenance of a sum of Rs.3,000/- per month. Aggrieved by the same, the petitioner has filed an appeal and it is said to be pending in Crl.A.No.2 of 2021. In the said appeal, no order of stay was granted. The respondent had sought for the execution of the order of maintenance granted in her favour. The petitioner has preferred a revision before the Court below seeking for staying the entire proceedings on the ground that the appeal is pending. The Court below disposed of the petition by directing the petitioner to pay a lump sum amount of Rs.25,000/- to the respondent, within a period of two weeks. Aggrieved by the same, the present petition has been filed before this Court.

3. Heard the learned counsel for the petitioner.

4. In the considered view of this Court, there is absolutely no ground to interfere with the order passed by the Court below. The petitioner had to pay more than Rs.1,00,000/- towards arrears of maintenance to the respondent. The Court below took into consideration the entire facts and directed the petitioner to pay a sum of Rs.25,000/-, pending the appeal. The Court below has rightly exercised its discretion and there is no ground to interfere with the same and accordingly, this criminal original petition is dismissed.

Sd/-
Assistant Registrar(CS VII)

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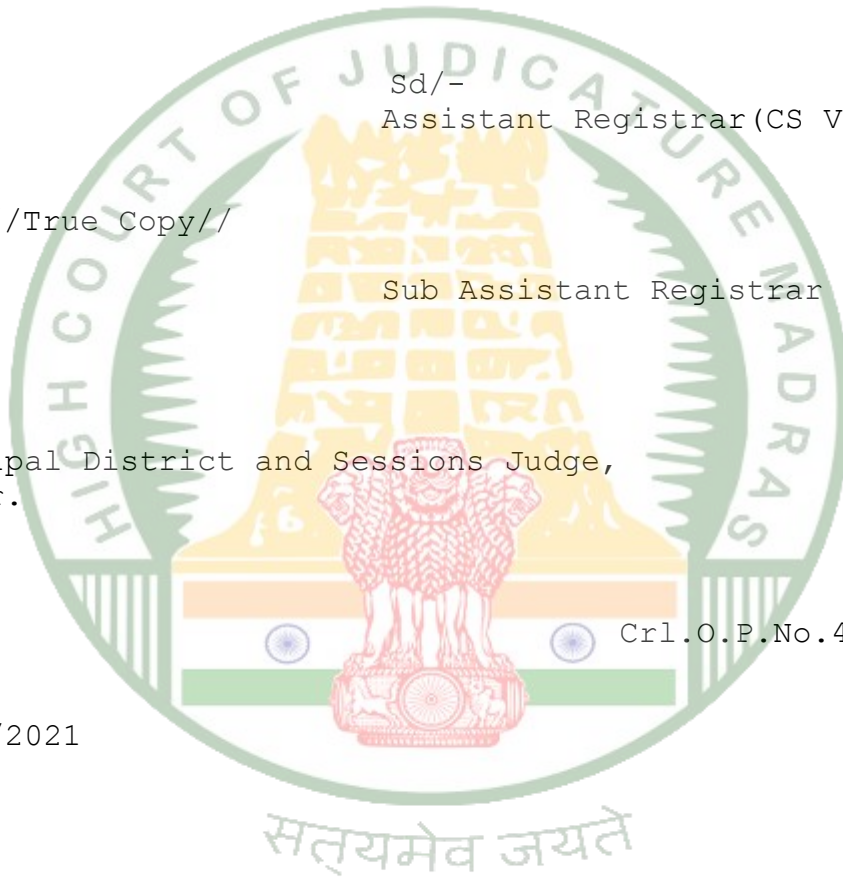
Sub Assistant Registrar

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To

The Principal District and Sessions Judge,
Perambalur.

Crl.O.P.No.4249 of 2021

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