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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Cr1.R.C.No.520 of 2018

and

Cr1.M.P.No.6193 of 2018

1.S.Chenniyappan @ Muthukrishnan

2.Shanmugam

3.Palaniammal

...Petitioners/Respondents

Vs.

Suganya

...Respondent/Petitioner

PRAYER: This Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the order passed in C.M.P.No.4507/2017 in D.V.C.No.6/2016 on 14.02.2018 on the file of the Judicial Magistrate, Kangeyam.

For Petitioners: Mr.C.S.Saravanan

For Respondent : Mr.R.T.Vishnu

For Mr.N.Manokaran

O R D E R

(This case has been heard through video conference)

The first petitioner herein is the husband of the respondent herein; the second and third revision petitioners are the father in-law and mother in-law of the respondent herein respectively. The marriage between the parties viz., first revision petitioner and the respondent herein are admitted.

2.The respondent herein/wife has filed a domestic violence case in DVC.No.6 of 2016 before the learned Judicial Magistrate, Kangayem, in which, she has filed a petition in C.M.P.No.4507 of 2017 for interim maintenance. The marriage between the parties are admitted.

3.According to the respondent herein/wife, it was represented at the time of their marriage that husband is B.E. qualified person and working as Manager. However, the said representation subsequently found to be false and came to know that he is only a diploma holder. Further, despite best efforts, the wife could not be live with the husband and hence, the husband/first respondent herein has filed a petition in FCOP.NO.110 of 2017 before the Family Court, Erode, for Restitution of Conjugal Rights.



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4.The learned Judicial Magistrate, on appreciation of the evidence, has awarded interim maintenance of Rs.3,000/- to the wife. Challenging the interim maintenance of amount so awarded, the husband has filed the present Criminal Revision Case.

5.Heard both the learned counsels and perused the materials placed on record.

6.On a perusal of the records, this Court finds that the divorce application filed by the husband in FCOP.No.110 of 2017 is pending before the Family Court, Erode, while divorce petition filed by the wife in HMOP.No.28 of 2017 is pending before the Sub Court, Kangeyem. Taking into consideration the cost of living, facts and circumstances and earning capacity of both the parties, viz., husband/first revision petitioner and the wife/respondent, a sum of Rs.3,000/- awarded by the Magistrate Court cannot be said to be excess and accordingly, the parties are advised to take necessary application for joint trial.

7.Accordingly, this Criminal Revision Case stands dismissed. The order passed in C.M.P.No.4507/2017 in D.V.C.No.6/2016, by the Judicial Magistrate, Kangeyam, dated 14.02.2018, is hereby confirmed. Consequently, connected miscellaneous petition stands closed.

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To:

- 1.The Judicial Magistrate, Kangeyam.
- 2.The Subordinate Court, Kangayem
- 3.The Family Court, Erode

Copy to

The Section Officer
VR Section
High Court, Madras 104.

+1 CC to Mr.N.Manokaran, Advocate sr 48159

Cr1.R.C.No.520 of 2018

AKII(CO)
SP(28/10/2021)