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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11685 of 2019

And

CrI.M.P.No.6060 of 2019

Venkatesh

... Petitioner / Respondent

Vs.

Subashini

... Respondent / Petitioner

Prayer: Petition filed under Section 482 of Cr.P.C., seeking to call for the records and set aside the order dated 01.02.2019 made in Criminal Revision Petition No.66 of 2018 passed by the Hon'ble First Additional District and Sessions Judge at Cuddalore, confirming the order dated 01.09.2018 made in M.C.No.32 of 2017 on the file of the Court of Learned Chief Judicial Magistrate of Cuddalore.

For Petitioner : Mr.R.Aranganathan

For Respondent : Mr.V.Balamurugane

O R D E R

The petitioner has filed this petition seeking to call for the records and to set aside the order dated 01.02.2019 made in Criminal Revision Petition No.66 of 2018 passed by the learned First Additional District and Sessions Judge at Cuddalore, confirming the order dated 01.09.2018 made in M.C.No.32 of 2017 on the file of the Court of learned Chief Judicial Magistrate of Cuddalore.

2.The facts of the case is that the marriage between the petitioner and the respondent was solemnized on 12.12.2010 at Cuddalore. After one week from the date of marriage there was no compatibility inbetween them and the petitioner is alleged to have tortured the respondent. Hence, the respondent filed H.M.O.P.No.68 of 2017 before the learned Principal Subordinate Judge, Cuddalore, seeking divorce on the ground of cruelty. The said petition was dismissed for default on 19.09.2018. In the meanwhile, the respondent had also filed M.C.No.32 of 2017 before the learned Chief Judicial Magistrate, Cuddalore under Section 125 of Cr.P.C. seeking maintenance and after adjudication, the learned Chief Judicial Magistrate, Cuddalore, awarded a sum of Rs.5,000/- per month towards maintenance in



favour of the respondent. Aggrieved by the same, the petitioner filed Criminal Revision Petition No.66 of 2018 before the learned First Additional District and Sessions Judge at Cuddalore and the said petition was dismissed on 01.02.2019. Challenging the same, the petitioner has filed this petition.

3.The learned counsel appearing for the petitioner submitted that the respondent has performed second marriage with one Arun son of one Radhakrishnan on 25.01.2021 and the said marriage has been registered at Arulmigu Devanatha Swamy Thirukoil, Thiruvanthipuram, Cuddalore. In order to prove the same, the learned counsel has filed copy of the marriage invitation and copy of the marriage registration certificate given by the said Temple.

4.The learned counsel appearing for the respondent submitted that he has no instructions from the respondent. Hence, this Court may confirm the order of the trial Court awarding maintenance to the respondent, however, from the date of maintenance case petition till the date of second marriage, if the second marriage is proved before the trial Court.

5.In view of the above, this Court is not inclined to interfere with the order dated 01.02.2019 passed in Criminal Revision Petition No.66 of 2018 by the learned First Additional District and Sessions Judge at Cuddalore, confirming the order dated 01.09.2018 passed in M.C.No.32 of 2017 by the learned Chief Judicial Magistrate of Cuddalore, however, the respondent is entitled for maintenance only till the date of her second marriage.

6.Hence, this Court directs the petitioner to deposit the amount awarded towards maintenance in favour of the respondent by the learned Chief Judicial Magistrate of Cuddalore in M.C.No.32 of 2017 from the date of maintenance case petition i.e., 04.08.2017 till the date of the second marriage of the respondent i.e., 25.01.2021. If the second marriage of the respondent is not established before the trial Court, the petitioner shall pay the maintenance amount till the lifetime of the respondent.

7.With the above observation, this criminal original petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

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Sub Assistant Registrar



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To

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1.The First Additional District and Sessions Judge at
Cuddalore.

2.The Chief Judicial Magistrate at
Cuddalore.

+lcc to Mr.S.Esakkimuthu, Advocate, S.R.No. 45319

CrI.O.P.No.11685 of 2019

And

CrI.M.P.No.6060 of 2019

SJ(CO)
SB(07/10/2021)