



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.R.C.NO.1006 OF 2014

Mrs.Kamalam

... Petitioner

.Vs.

Mr.Manickam

... Respondent

PRAYER:- Criminal Revision case filed under Section 397 & 401 of Criminal Procedure Code to set aside the order passed in M.C.No.1 of 2014 on the file of the Judicial Magistrate No.IV, Salem dated 03.09.2014.

For Petitioner : Mr.Kasirajan

For Respondent : Mr.C.Kulanthaivel

O R D E R

The petitioner has filed this petition to set aside the order passed in M.C.No.1 of 2014 on the file of the Judicial Magistrate No.IV, Salem dated 03.09.2014.

2. The case of the petitioner is that the petitioner is the wife of the respondent and their marriage was solemnized on 06.09.1992. Out of wedlock, they begotten a daughter namely, Gokila. The petitioner's daughter without the consent of her father, had married another person on her own volition. Thereafter, the respondent, for want of male child, performed another marriage and thereby, there was a matrimonial dispute between the petitioner and the respondent and got separated. Further it is alleged by the petitioner that the husband of the petitioner got married with another lady and along with his second wife threatened the petitioner to sign in the divorce papers. In that regard, the petitioner has also filed criminal case against her husband in Cr.No.5/2013 and the same is also pending. Thereafter, the petitioner has no sufficient means to lead her life without her husband's support and therefore, she filed maintenance petition in M.C.No.1/2014, before the Judicial Magistrate No.IV, Salem, claiming Rs.15,000/- per month as



maintenance. The Trial Court, vide order 03.09.2014, had dismissed the petition on the ground that the petitioner had occupied matrimonial home and living along with her daughter and son-in-law and grand daughter and having sufficient income to maintain herself. Challenging the same, the present petition is filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that admittedly the relationship of the petitioner and the respondent is not in dispute. The husband of the petitioner without consent of his wife, had married another woman and also filed H.M.O.P.No.23/2013 for divorce. The petitioner without sufficient income, struggling to maintain herself. Since the respondent is having 8 acres of agricultural land and 10 cows for his commercial business and also earning nearly Rs.40,000/-, he is having capacity to pay some amount as maintenance. The Trial Court without considering the material facts, has erroneously dismissed the case and hence prays for allowing this petition.

4. Further the learned counsel, on instructions, submitted that if the respondent provides two milch cows, the petitioner may able to maintain herself and prays for appropriate orders of this Court in that regard.

5. Though, the learned counsel appearing for the respondent vehemently opposed the grounds raised by the petitioner, however on instructions, accepted to give two milch cows to the wife of the respondent as maintenance.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. In view of the limited prayer sought for by the petitioner and further in view of the consent expressed by the learned counsel for the respondent and furthermore, taking into consideration the present cost of living, this Court directs the respondent to give two milch cows to the petitioner towards maintenance to enable her to maintain herself, within a period of four weeks from the date of receipt of a copy of this order.

8. Accordingly, this Criminal Original Petition is dismissed with the above terms.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



1. The Judicial Magistrate No.IV,
Salem.

2. The Public Prosecutor,
High Court, Madras.

Copy To:-

The Section Officer,
Criminal Section,
High Court, Madras - 104.

+lcc to Mr.Kasirajan, Advocate, S.R.No.42227

+lcc to Mr.C.Kulanthaivel, Advocate, S.R.No.42240

CRL.R.C.NO.1006 OF 2014

SSV(CO)
PBS/17/11/2021