



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.966 of 2014

P.Vijayalakshmi

... Petitioner

Versus

1. G.Uthesh

2. G.Padmavathi

... Respondents

Prayer: Criminal Revision Petition is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records in C.A.No.62 of 2013 on the file of the IV Additional Sessions Judge and set aside the order dated 31.07.2014 and confirm the order dated 18.03.2013 in M.C.No.49 of 2012 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : No Appearance

For Respondents : Mr.L.Prakash

ORDER

This Revision in Crl.RC. No.966 of 2014 is filed by the petitioner wife, namely, Vijayalakshmi, aggrieved by the order of the learned IV Additional Sessions Judge in Crl.A. No.62 of 2013 dated 31.07.2014, whereby the learned Sessions Judge, modified the order passed by the learned IX Metropolitan Magistrate, Saidapet, Chennai in M.C. No.49 of 2001, which is an order passed under Sections 18, 19 and 20 of the Domestic Violence Act.

2.The petitioner herein preferred a complaint under the Domestic Violence Act before the learned Judicial Magistrate inter alia praying for interim maintenance of Rs.20,000/- per month and also to permit her to continue to reside in the shared household situated at No.5, Karpaga Vinayagar Koil Street, Ekkattuthangal, Chennai-32.

3.After hearing the both sides' contention, by an order dated 18.03.2013, the learned Magistrate allowed the petition filed by the wife ordering that the husband should permit the petitioner wife to continue to reside in No.5 Karpaga Vinayagar



Koil Street, Ekkattuthangal, Chennai-32 and the husband should not in any manner disturb the petitioner and that he should not otherwise dispossess or interfere with her possession in any manner whatsoever. The Trial Court also ordered a sum of Rs.5,000/- per month as interim maintenance.

4. Aggrieved by the same, the first respondent, namely, the husband and the second respondent, namely, the mother in law preferred an appeal in Crl.A. No.62 of 2013 before the learned IV Additional Sessions Judge, Chennai and by an order dated 31.07.2014, the learned Sessions Judge, while confirming the interim maintenance amount of Rs.5,000/-, as far as the order relating to the shared household is concerned, modified the same by finding the fact that the house actually belongs to her mother in law and by following the order passed by this Court reported in 2007 (3) CTC 219, modified the shared household order by directing the husband to pay another sum of Rs.1,500/- towards the rental accommodation that may be taken by the petitioner wife. Aggrieved by the same, the wife has filed this present revision case.

5. The present Criminal Revision is of the year 2014. When the case came up on 05.08.2021, 10.11.2021, 24.11.2021 and 30.11.2021, there was no representation for the petitioner. However, continuously on the last three hearings, the learned counsel for the respondents present. He submitted that pending the Criminal Revision, a divorce was also granted, but, however, the wife has preferred a Civil Miscellaneous Appeal, which is also pending before the Division Bench of this Court. Even before the Division Bench, a compromise proposal was mooted, as per which, the respondent husband has agreed to pay a permanent alimony of Rs.10,00,000/- and settle the issue. Even before this Court, he would submit that the respondent husband is ready to settle the amount. But, however, even though he has informed the petitioner and the learned counsel for the petitioner, they are not repeatedly coming forward to take the amount and settle the issue.

6. Under these circumstances, considering the limited scope of the revisional jurisdiction of examining the correctness of the order passed by the Trial and Appellate Court, this Court took up the revision for consideration, on merits.

7. I have gone through the judgment of the Trial Court as well as the First Appellate Court and the other material evidence on record.

8. In my considered view, especially given the fact that already a the divorce has been granted and the matter is pending in appeal, no error can be found of the Appellate Court's



direction that instead of permitting the wife in continuing in the same house that is No.5 Karpaga Vinayagar Koil Street, Ekkattuthangal, Chennai-32, she can be permitted to rent any other house and the husband being directed to pay a sum of Rs.1,500/- per month over and above the interim maintenance of Rs.5,000/-, which he has already been paying. In that view of the matter, I find no merits in the Revision. Accordingly, this revision is dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vga

To

- 1.The IV Additional Sessions Judge, Chennai
- 2.The IX Metropolitan Magistrate, Saidapet, Chennai.
3. The Section Officer,
Criminal Section,
High Court, Madras-104.

Cr1.R.C.No.966 of 2014

JPL(CO)
CT 10/01/2022