



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.28157 OF 2018

AND

CRL.M.P.NOS.16384 & 16385 OF 2018

N.Padmanaban,
S/o.Narayanasami

...Petitioner / Petitioner /
Respondent

Vs.

Inmozhi,
W/o.Padmanaban

...Respondent / Respondent /
Petitioner

Prayer : This Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.R.P. No. 17/2016 dated 18.07.2018 on the file of the Principal Sessions Judge, Cuddalore District, Cuddalore confirming the order dated 31.03.2016 passed in M.C.34/2013 on the file of the Chief Judicial Magistrate, Cuddalore.

For Petitioner : Mr. R.Gururaj

For Respondent : Mr. N.Damodaran

ORDER

This petition has filed challenging the order in CRP. No.17 of 2016 passed by the learned Principal Sessions Judge, Cuddalore dated 18.07.2018, directing the petitioner to pay a monthly maintenance of Rs.3,000/- to the respondent.

2. The facts in brief necessary for disposal of this original petition are as follows:



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The petitioner, a widower, got married with the respondent as second wife. The petitioner has a daughter from his first marriage and she has married. The petitioner is a retired employee from Tamil Nadu Electricity Board and he is drawing a monthly pension. After the marriage with the respondent, the petitioner is said to have deposited a sum of Rs.10,000/- in the name of the respondent and also purchased a house for the respondent. According to the petitioner, he started suspecting the respondent that she is determined to usurp his properties and she has not love or affection towards him. Differences cropped up between the spouses. The petitioner is living in the first floor of the house and the respondent is living in the ground floor. Meanwhile, the respondent has filed a petition for maintenance under Section 125 of Cr.P.C. claiming a sum of Rs.10,000/- per month before the learned Chief Judicial Magistrate, Cuddalore. Before the trial Court, two witnesses were examined on the side of the respondent and six documents were marked. On the side of the petitioner, the petitioner himself examined and marked 19 documents. On an appreciation of evidence, both oral and documentary, the learned Chief Judicial Magistrate, Cuddalore directed the petitioner to pay a sum of Rs.3,000/- as monthly maintenance. Challenging the said order, the petitioner preferred a revision before the learned Principal Sessions Judge, Cuddalore. The learned Principal Sessions Judge, Cuddalore, on an appreciation of the evidence, confirmed the order of the learned Chief Judicial magistrate, which resulted in filing of the present original petition before this court.

3. I have heard the learned counsel on both sides and perused the documents available on records.

4. The short point that is to be decided in the present petition whether the petitioner is capable of paying monthly maintenance of Rs.3,000/- to the respondent. This Court is not inclined to go into the allegations and counter allegations made by the parties. Since the maintenance awarded by the trial Court is only a meager sum when compared to the present economic situation. The petitioner is said to be a retired employee from TNEB and he is drawing a monthly pension and other income from his properties. The learned chief Judicial Magistrate, Cuddalore has conducted a ful-fledged enquiry into the maintenance petition and witnesses have been examined and perused the documents. The learned Chief Judicial Magistrate has gone into



the issue thoroughly and has given cogent and convincing reason for awarding monthly maintenance at Rs.3,000/- The said sum is meager and therefore, no interference is called for into this present case on hand.

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5. In the result, this Criminal Original Petition is dismissed. The petitioner is directed to clear all the arrears of maintenance within a period of four weeks from the date of receipt of a copy of this order and further he is directed to continue to pay the monthly maintenance on or before 10th day of every English calendar month. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

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To

1.The Principal Sessions Judge,
Cuddalore District, Cuddalore.

2.The Chief Judicial Magistrate
Cuddalore.

3.The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.28157 of 2018 and
Cr1.M.P.Nos.16384 & 16385 of 2018

VBM(CO)
RVM(01/10/2021)