



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.03.2022

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.7800 of 2019
and
Crl.MP(MD)No.4762 of 2019

Perumal ... Respondent/Petitioner/
Petitioner

Vs.

Muthulakshni ... Petitioner/Respondent/
Respondent

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to set aside the order dated 05.02.2019 made in Crl.R.C.No.22 of 2018 on the file of the Principal District Judge, Thoothukudi, confirming the order dated 14.06.2018 made in M.C.No.53 of 2014 on the file of the Chief Judicial Magistrate, Thoothukudi.

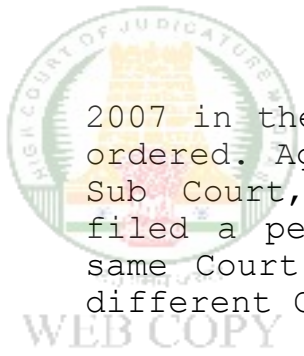
For Petitioner : Mr.K.Hemakarthiskeyan
For Respondent : Mr.S.Muthumalairaja

O R D E R

This petition is filed seeking order to set aside the order passed by Principal District Judge, Thoothukudi, in Crl.R.C.No.22 of 2018, the dated 05.02.2019 and confirming the order dated 14.06.2018 made in M.C.No.53 of 2014 on the file of the Chief Judicial Magistrate, Thoothukudi.

2.This petition is filed solely on the ground that the petitioner is getting only Family Pension of Rs.15,000/-. The maintenance amount, which was ordered by the learned Chief Judicial Magistrate, Thoothukudi. in M.C.No.53 of 2014 is Rs.7000/- and the same was confirmed by the learned Principal District Judge, Thoothukudi.

3.The learned counsel for the petitioner would submit that H.M.O.P.No.98 of 1996 was filed by the petitioner seeking divorce before the Sub Court, Trichy. That petition was dismissed for default and the same was restored. Again it was dismissed. The respondent has filed an Interlocutory Application in I.A.No.399 of



2007 in the above said H.M.O.P seeking maintenance and the same was ordered. Again, the petitioner filed HMOP.No.352 of 2011 before the Sub Court, Thoothukudi, seeking divorce and the respondent also filed a petition seeking maintenance and it is pending before the same Court. The respondent has no right to claim same relief from different Court.

4.He would further submit that the respondent is living separately for more than 19 years. The major portion of the pension amount has been deducted for loan amount, which was already received by the petitioner, no document to show that. The petitioner has to share 50% of pension amount with his wife.

5.In view of the above, the request that has been made by the learned counsel for the petitioner that maintenance amount that has been passed by the learned Chief Judicial Magistrate, Thoothukudi, has to be reduced from Rs.7000/- to Rs.6000/-.

6.The above said request made by the learned counsel for the petitioner may not be proper. Hence, the maintenance amount that has been passed by the learned Chief Judicial Magistrate, Thoothukudi, is reduced from Rs.7000/- to Rs.6,500/-. To that extent alone, this petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

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/ /2022

Sub Assistant Registrar(CS)

dss

To

1.Chief Judicial Magistrate, Thoothukudi.

2. Principal District Judge,Thoothukudi.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K..HEMAKARTHIKEYAN, Advocate (SR-11734[F] dated 14/03/2022)

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