



WEB COPY

C.R.P. (PD) .No.3241 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.3241 of 2024
and C.M.P.No.17344 of 2024

1.Selvanathan

2.Selva Shanmugam

3.Mohana

.. Petitioners

Vs.

Geethangilli

.. Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records pertaining to order dated 03.05.2024 in D.V.C.No.11 of 2023 on the file of the learned Chief Judicial Magistrate, Puducherry and set aside the same and allow the present revision.

For Petitioners : Ms.J.Deepika

ORDER

This civil revision petition challenges the order passed by the Chief Judicial Magistrate at Puducherry in D.V.C.No.11 of 2023 dated 03.05.2024.



2. There is no dispute in the relationship between the parties. The first civil revision petitioner had married the respondent. From the wedlock, a child was born. Due to disputes and differences, the parties have separated. The wife / respondent has initiated D.V.C.No.11 of 2023 under Section 12 of the Protection of Women from Domestic Violence Act, 2005, seeking for reliefs under Sections 18, 19, 20 and 21 of the said Act. The husband has also initiated proceedings in M.O.P.No.154 of 2023, on the file of the Family Court at Puducherry seeking for divorce.

3. Pending DVC proceedings, the wife took out an application for payment of maintenance. The learned Chief Judicial Magistrate allowed the application and fixed a sum of Rs.36,000/- to be paid per month to the respondent herein as maintenance. Aggrieved by the same, the husband has preferred an appeal in Crl.A.No.51 of 2023 on the file of the III Additional Principal District and Sessions Judge, Puducherry. The appeal is said to be pending.

4. Since, no interim order was granted by the Appellate Court, the petitioner filed a memo before the learned Chief Judicial Magistrate stating



that the husband is yet to pay a sum of Rs.50,000/- being the balance of the amount payable after accounting for the amounts paid towards maintenance thus far.

5.It was urged by the first petitioner that the husband had paid a substantial sum of Rs.2,45,000/- and has also preferred an appeal. The Chief Judicial Magistrate took note of the fact that there is no stay in the aforesaid criminal appeal and therefore directed in default of payment of the balance of amount, proceedings will be initiated in terms of Section 30 & 31 of the Protection of Women from Domestic Violence Act, 2005. This revision challenges the said order passed by the Magistrate on 03.05.2024.

6.When the matter was taken up for hearing, Ms.J.Deepika states that as the order had not been complied with, proceedings have been initiated by the Chief Judicial Magistrate in S.T.C.No.2021 of 2024. The husband had appeared before the learned Chief Judicial Magistrate and had paid the balance of amount and therefore, the STC was closed. Since the order has been complied with subsequently, this Civil Revision Petition has become infructuous. It is left open to the husband to agitate the correctness of the



order passed in the interim maintenance proceeding in CrI.A.No.51 of 2023,
pending before the learned III Additional Principal District and Sessions
Judge at Puducherry.

7.With the above observations, this Civil Revision Petition is
dismissed. Consequently, the connected Miscellaneous Petition is closed. No
costs.

11.11.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.The Chief Judicial Magistrate, Puducherry.
- 2.The III Additional Principal District and Sessions Judge, Puducherry.



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V.LAKSHMINARAYANAN, J.

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