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C.R.P.(NPD).No.1842 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2024

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.(NPD).No.1842 of 2024

and

C.M.P.No.8358 of 2024

John Kennedy

... Petitioner

Vs.

Janaki @ Nancy Janaki

... Respondent

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 25.09.2023 made in Crl.M.P.No.3049 of 2023 in unnumbered Crl.Appeal S.R.No.2959 of 2023 on the file of the Principal District and Sessions Judge at Tiruvallur.

For Petitioner : Ms.R.Nirmala Devi

for Ms.R.Sudha

For Respondent : Mr.R.Kamaraj



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ORDER

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This civil revision petition has been filed seeking to set aside the order dated 25.09.2023 made in Crl.M.P.No.3049 of 2023 in un-numbered Crl.Appeal S.R.No.2959 of 2023 on the file of the Principal District and Sessions Judge at Tiruvallur.

2. The petitioner is the husband. The respondent-wife had filed a petition under the Domestic Violence Act in D.V.C.No.21 of 2022 on the file of the Judicial Magistrate No.I, Poonamallee. The trial Judge had allowed the petition by an order dated 13.03.2023, directing the petitioner to pay a sum of Rs.10,000/- every month as monetary relief to the petitioner on or before 5th day of every calender month and had also directed that the amount paid in M.C.No.165 of 2005 on the file of the Family Court, Chennai, could be adjusted against this amount. The learned Judge had also directed the respondent to pay a sum of Rs.7,00,000/- as compensation to the petitioner within one month from the date of that order. Challenging the same, the petitioner had filed a



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criminal appeal in S.R.No.2959 of 2023 on the file of the Principal District and Sessions Judge at Tiruvallur, however with a delay.

Therefore, the petitioner had filed a petition in CrI.M.P.No.3049 of 2023 to condone the delay of 58 days in filing the criminal appeal. The learned Principal District and Sessions Judge, Tiruvallur by order dated 25.09.2023 had condoned the delay on condition that 50% of the arrears of the compensation amount, i.e. Rs.3,50,000/- to be paid to the respondent, as per the orders of the Judicial Magistrate No.I, Poonamallee in D.V.C.No.21 of 2022. Challenging the same, the present revision is filed.

3. The learned counsel for the petitioner would submit that the petitioner has so far paid more than Rs.10,00,000/- to the respondent-wife as maintenance in M.C.No.165 of 2005 on the file of the Family Court, Chennai. Without taking into consideration the same, the learned Judge has imposed the conditional order directing the petitioner to pay 50% of the arrears of the compensation amount, i.e Rs.3,50,000/- which is



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erroneous and exorbitant. Therefore, he seeks to set aside the order.

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4. Per contra, the learned counsel appearing for the respondent-wife would submit that D.V.C was originally filed in the year 2015 and it was wrongly numbered as M.C. He further submits that as on date, even after adjusting the maintenance amount, a sum of Rs.24,60,000/- is due to the respondent, and that the petitioner-husband is evading to make payment.

5. Heard the learned counsels on both sides and perused the materials available on record.

6. Having gone through the facts of the case, I do not find that the amount is exorbitant. Hence, there is no illegality or infirmity in the order passed by the learned Principal District and Sessions Judge, Tiruvallur, warranting interference by this Court.



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7. With the above observations, this Civil Revision Petition is disposed of, granting three weeks' time to the petitioner-husband to make payment of Rs.3,50,000/- to the respondent-wife from the date of receipt of a copy of this order and on such payment being made, the appeal pending on the file of the Principal District and Sessions Court, Thiruvallur shall be numbered. No costs Consequently, the connected Criminal Miscellaneous Petition is closed.

28.08.2024

Internet : Yes / No

Index : Yes / No

Speaking / Non-speaking order

srn

To

The Principal District and Sessions Judge at Tiruvallur.



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A.D.JAGADISH CHANDIRA,J.

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