

Viramma Vs. Narayya

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Court : Chennai

Decided On : Feb-23-1883

Reported in : (1883)ILR6Mad283

Judge : Charles A. Turner, Kt., C.J. and ;Muttusami Ayyar, J.

Appellant : Viramma

Respondent : Narayya

Judgement :

Charles A. Turner, Kt., C.J.

1. The complainant applied to the Magistrate for an order directing her husband to pay her maintenance. The parties came to terms, the husband agreeing that he would furnish his wife with certain ornaments, build a house for her, deliver to her annually a certain amount of grain, and pay her a certain sum in cash.

2. This agreement the parties brought to the notice of the Magistrate, who, reciting their concurrence, declared that he passed judgment in accordance with the agreement on 12th December 1882. No formal order has been drawn. It appeared to this Court that the law empowers a Magistrate only to direct payment of a monthly maintenance, and that such an agreement as the parties entered into cannot be made the subject of an order under Section 536 of the Code of Criminal Procedure, nor enforced under the provisions of that section.

3. We direct, in supersession of the direction - of the Magistrate, that the agreement be placed on the record and the application dismissed.

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