



Crl.R.C(MD)No.500 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

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Vincent Renod

... Petitioner/Respondent

Vs.

Meenakshi Veronica Rosary

... Respondent/Petitioner

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records and set aside the order in M.C.No.30 of 2014 dated 13.06.2018 passed by the learned Additional Chief Judicial Magistrate, Madurai.

For Petitioner	: Mr.S.Kameswaren
For Respondent	: Mr.R.Babu Jaganath

ORDER

This revision has been filed to set aside the order made in M.C.No.30 of 2014 dated 13.06.2018 passed by the learned Additional Chief Judicial Magistrate, Madurai, thereby awarded maintenance as Rs.12,000/- per month payable by the petitioner in favour of the respondent herein.



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2. The marriage between the petitioner and the respondent was solemnized on 10.01.2007 in Bangalore. Their marriage was love marriage, however, thereafter, there was misunderstanding between them and as such, the respondent was driven out from the matrimonial home and hence, she went to her parental house. Thereafter, she filed a petition for maintenance under Section 125 of Code of Criminal Procedure.

3. In order to prove her case, she herself was examined as P.W.1 and marked Ex.P.1 to Ex.P.3. On the side of the petitioner, he himself was examined as R.W.1 and no document was marked.

4. On perusal of the oral and documentary evidence, the trial Court ordered monthly maintenance of Rs.12,000/- in favour of the respondent payable by the petitioner herein and allowed the petition. Challenging the same, the present revision.



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5. Heard the learned counsel appearing on either side and

perused the materials available on record.

6. Though the respondent deposed that the petitioner was working as Vice-President in a private concern and drawing a salary of Rs.1,60,000/-, she failed to produce any evidence to show that the petitioner was drawing such salary, whereas the petitioner had deposed that he is working in a private company with salary of Rs.35,000/-. However, the Court below, without any material and evidence, awarded Rs.12,000/- as monthly maintenance payable by the petitioner to the respondent as it is fair and reasonable. Therefore, the respondent failed to prove the income of the petitioner before the trial Court.

7. The learned counsel for the petitioner would submit that he was working in a private tourism company as Tour Guide and Language Specialists and while it was being so, the petitioner fell in love with the respondent and got married. They have no issues.



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8. Considering the above facts and circumstances of the case and also the fact that the respondent is also aged about only 36 years. It is not at all possible that she is sitting in the home without going to any employment. Therefore, this Court feels that the maintenance amount awarded by the trial Court is high and it has to be reduced. Accordingly, the monthly maintenance of Rs.12,000/- is hereby reduced to Rs.8,000/- payable by the petitioner to the respondent. Accordingly, this Criminal Revision Case is disposed of.

28.04.2023

NCC : Yes/No
Index : Yes/No
rmk

To

- 1.The Additional Chief Judicial Magistrate, Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN, J.

rmk

Order made in
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