



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2016

CORAM:

THE HONOURABLE Dr.JUSTICE P.DEVADASS

Crl.R.C.(MD)No.255 of 2016

and

M.P.(MD)No.1 of 2016

Kumaran

... Petitioner

Vs.

1.Karthiga

2.Minor Sarvesh

... Respondents

Prayer: Criminal Revision Petition is filed under Sections 397 r/w 401 Cr.P.C., to call for the records, set aside the order of the learned Chief Judicial Magistrate, Dindigul in M.C.No.25 of 2014 dated 27.01.2016.

For Petitioner : Mr.M.Jegadeesh Pandian

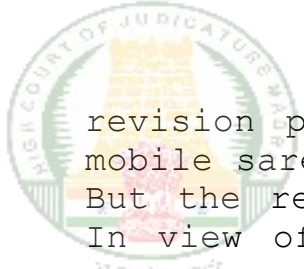
For Respondents : Mr.N.Sathish Babu

ORDER

The revision petitioner / husband challenges grant of maintenance at the rate of Rs.2,500/- to the 1st respondent and Rs.5,000/- to the 2nd respondent.

2.The 1st respondent is his wife and the 2nd respondent is their son. Now because of the divorce decree, the 1st respondent become no longer his wife. But she has become his ex-wife. But, as per Section 125 Cr.P.C. she is also entitled to maintenance. So far as the child is concerned, grant of divorce would not make any difference.

3.Now a new factor is that the revision petitioner had married again. It is after grant of divorce. There is no bar for a divorcee to marry again. But problem arises from the angle of Section 125 Cr.P.C. Now on the one hand he has to give maintenance to his ex-wife / 1st respondent and he has also to maintain his newly married wife. As per the evidence, the



revision petitioner is selling sarees by two wheeler. He is a mobile saree vendor. He is doing the saree business in Cuddalore. But the respondents are living in Ambathurai, Dindigul District. In view of the revision petitioner marrying another woman after divorce, some tinkering is required only with respect to the 1st respondent.

4. In view of the above, the revision is partly allowed. The maintenance of Rs.2,500/- granted to the 1st respondent is modified to Rs.2,000/- per month. However, this modification will take effect only from today. As regards Rs.5,000/- maintenance per month granted to 2nd respondent, there is no change. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS)

To
The Chief Judicial Magistrate, Dindigul.

+1cc to Mr.N.Sathish Babu, Advocate, Sr.No.30112

nbj

JM/PEK/21.06.2016/2P-3C

Cr1.R.C.(MD)No.255 of 2016
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