

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.R.C.No1475 of 2011

T.Ishtalingam

...Petitioner

Versus

Jamunabai

...Respondent

Criminal Revision Petition filed under Section 397 and 401 of the Criminal Procedure Code, to set aside the order passed in M.P.No.709 of 2009 dated 18.08.2011 in M.C.No.75 of 1984 on the file of the I Additional Family Court at Chennai.

For Petitioner : Mr. M.V.Balakrishnan
For Respondent : No Appearance

O R D E R

The petitioner, who is the husband, has filed this Criminal Revision Case aggrieved by the order dated 18.08.2011 passed in MP. No. 709 of 2009 in M.C.No.75 of 1984, to enhancing the maintenance amount from Rs.150/- per month to Rs.2,000/- per month from 22.10.2009.

2. On 08.06.2018, when the matter came up for hearing before this Court, the following order was passed:

" The counsel for the petitioner submits that he has complied with the condition imposed in M.P.No.1 of 2011 by order dated 08.11.2011 and he has been depositing a sum of Rs.1,000/- every month before the Court. The notice is yet to be served on the respondent both from the Court as well as privately. The counsel for the petitioner states that the respondent is not living with him and the marriage itself has been dissolved by the Family Court and his is not able to find her current address.

2. As a last chance, the counsel for the petitioner is directed to take private notice returnable by 29.06.2018.

3. Registry is directed to issue a fresh notice returnable by 29.06.2018.

4. Post the matter on 29.06.2018"

3. Taking into the account the fact that the petitioner is now aged more than 80 years and also the fact that he has complied with the interim order by depositing a sum of Rs.1,000/- every month till date and considering the fact that the marriage itself has been dissolved by the Family Court, this Court is of the considered view that the amount fixed by the I Additional Family Court, Chennai has to be modified from Rs.2,000/- per month to Rs.1,000/- per month.

4. Accordingly, the Criminal Revision Petition is disposed of, with the above modification.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

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To

The I Additional Family Court
Chennai.

+1 CC to Mr.V. Balakrishnan, Advocate sr 51009.

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KS(CO)
SP(10/08/2018)

सत्यमेव जयते

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