

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 12.02.2018****CORAM:**

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.R.C. (MD)No.865 of 2017
and
Cr1.M.P. (MD)No.10620 of 2017

A.Kuthupullasha : Appellant / Respondent

-Vs.-

1.Mahabeath Begum
2.K.Mohamed Ismail Khani
3.K.Jamal Mohaideen
4.Beema John : Respondents / Petitioners

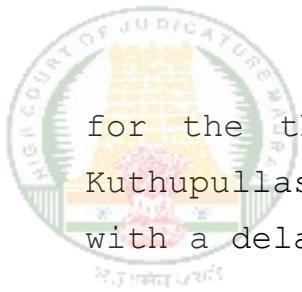
Prayer: Criminal Revision Case is filed under Section 397 r/w 401 Cr.P.C., to call for the records and set aside the order in M.C.No.42 of 2007 dated 06.09.2010 passed by the learned Family Court, Madurai.

For Petitioner : Mr.S.M.A.Jinnah
For Respondents : Mr.T.R.Jeyapalam

O R D E R

For the sake of convenience, the parties will be referred to by their name.

2. Mahabeath Begum / Wife filed M.C.No.42 of 2007 before the Family Court, Madurai under Section 125 Cr.P.C., claiming maintenance for herself and her three minor children against her husband Kuthupullasha. The Family Court, Madurai, has given a finding that Kuthupullasha /husband is maintaining his family and that he has also been paying fees for his children. The Family Court, Madurai, on humanitarian grounds, by order dated 06.09.2010 in M.C.No.42 of 2007, has directed Kuthupullasha / husband to pay Rs.3,000/- [Rupees Three Thousand only] per month as maintenance to his wife Mahabeath Begum and Rs.3,000/- [Rupees Three Thousand only]



for the three children. Challenging the order dated 06.09.2010, Kuthupullasha / husband has filed the present Criminal Revision Case with a delay of 2220 days, which has been condoned by this Court.

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3. Heard Mr.S.M.A.Jinnah, learned counsel appearing for Kuthupullasha / husband and Mr.T.R.Jeyapalam, learned counsel appearing for Mahabeath Begum / Wife.

4. The learned counsel appearing for Kuthupullasha / husband submitted that all the three children have attained age of maturity and that he has so far paid Rs.6,37,000/- [Rupees Six Lakhs and Thirty Seven Thousand only] as maintenance to his family, though his wife and children live with him even now under the same roof. The learned counsel has filed a memo of calculation. A copy of the memo of calculation was furnished to the learned counsel appearing for Mahabeath Begum / Wife and the learned counsel did not deny the same.

5. On a reading of the order in M.C.No.42 of 2007, the Family Court, Madurai has clearly given the following finding:

"It is very peculiar case wherein the husband used to take the wife from his home to family Court for conducting the maintenance case filed by his wife. The 1st petitioner P.W.1 has admitted in her cross examination that she is living in the house of the respondent and the respondent used to often visit the house for the up keep of the children."

6. Thus, there is sufficient force in the submission of the learned counsel for appearing for Kuthupullasha / husband. However, this Court is not inclined to completely set aside the order dated 06.09.2010 in M.C.No.42 of 2007, because, Mahabeath Begum / Wife will need some financial assistance for herself.



7. In such view of the matter, the monthly maintenance of Rs.3,000/- is reduced to Rs.2,000/- [Rupees Two Thousand only] per month payable from March, 2018. the amount of Rs.2,000/- [Rupees Two Thousand only] shall be deposited before 10th of every English Calender Month to the credit of M.C.No.42 of 2007 on the file of the Family Court, Madurai and Mahabeath Begum / Wife will be entitled to withdraw the same.

8. It is needless to state that no maintenance needs to be paid if the children had attained the age of majority. It is made clear that if there are any arrears, Kuthupullasha / husband will have to pay the same.

9. In the result, this Criminal Revision Case is partly allowed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Family Court,
Madurai.

+1cc to M/S.T.R.JEYAPALAM, Advocate SR.No.48565.
+1cc to M/S.S.M.A.JINNAH, Advocate SR.No.47980.

Order made in
Cr1.R.C. (MD) No.865 of 2017
12.02.2018

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SDS/JC/SAR 4/26.02.2018/3P/4C