

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL REVISION CASE No.3337 of 2018

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of Code of Criminal Procedure, 1973, is filed by the petitioner/husband aggrieved by the order, dated 17.09.2018, passed in M.C.No.14 of 2017 by the Principal Judicial Magistrate of First Class, Madhira, whereunder the Court below granted maintenance of Rs.2,500/- per month to the 1st respondent/wife. The Court below also directed the petitioner herein to pay arrears of maintenance in 10 equal monthly installments from date of that order.

2. Heard the learned counsel for the petitioner/husband and the learned counsel for the 1st respondent/wife.

3. Learned counsel for the petitioner/husband would submit that 1st respondent/wife herself deserted the petitioner; that the petitioner is an agricultural labour getting only meagre income; that the petitioner has to look after his son and old age mother; that the petitioner has no other source of income, except agriculture labour and that granting of maintenance at the rate of Rs.2,500/- per month by the Court below is excessive and ultimately prayed to reduce the same.

4. On the other hand, learned counsel for the 1st respondent/wife would submit that even the petitioner is not paying the monthly maintenance to the 1st respondent during pendency of maintenance case as well as after passing the impugned order; and that the Court below rightly granted

maintenance to the 1st respondent and there are no grounds to reduce the same and ultimately prayed to dismiss the revision case.

5. After arguing for considerable length of time, learned counsel for the petitioner has given an undertaking that the petitioner will pay the maintenance @ Rs.2,000/- per month to the 1st respondent from the date of the impugned passed by the Court below and also pay the arrears of maintenance at the same rate, which comes to Rs.32,000/-.

6. In the light of undertaking given by learned counsel for the petitioner and considering the facts and circumstances of the case and avocation of the petitioner, the petitioner is directed to pay maintenance @ Rs.2,000/- per month to the 1st respondent/wife on or before 10th of every succeeding month commencing from December, 2019. Further, the arrears of maintenance i.e., Rs.32,000/- shall be paid to the 1st respondent in two equal monthly installments. The first installment shall be paid on or before 10th January, 2020 and the second installment shall be paid on or before 10th February, 2020.

7. With the above modification, the Criminal Revision Case is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed. There shall be no order as to costs.

JUSTICE G.SRI DEVI

11th December, 2019
YVL

THE HON'BLE JUSTICE G.SRI DEVI



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Date:11.12.2019

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