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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.Nos.453 and 333 of 2018

And

Crl.M.P.No.5482 of 2018

G.Pandian ... Petitioner in Crl.R.C.453/2018
S.Nirmala ... Petitioner in Crl.R.C.333/2018

Vs.

Nirmala ... Respondent in Crl.R.C.453/2018
G.Pandian ... Respondent in Crl.R.C.333/2018

Prayer in Crl.R.C.No.453 of 2018:

Petition filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to set aside the order dated 22.12.2017 made in M.C.No.249 of 2012 passed by the Hon'ble Principal Family Court at Chennai and dismiss the M.C.No.249 of 2012, by allowing the criminal revision petition.

Prayer in Crl.R.C.No.333 of 2018:

Petition filed under Section 379 read with 401 of Criminal Procedure Code, seeking to set aside the order dated 22.12.2017 in M.C.No.249 of 2012 on the file of the Principal Family Court, Chennai with respect to the quantum awarded alone and the quantum of maintenance to the petitioner/ wife has to be enhanced to Rs.50,000 per month as prayed for from the date of filing of M.C.No.249 of 2012.

For Petitioner : Mr.R.Munuswamy in Crl.R.C.453/2018
Mr.J.Saravanavel in Crl.R.C.333/2018

For Respondent : Mr.J.Saravanavel in Crl.R.C.453/2018
Mr.R.Munuswamy in Crl.R.C.333/2018



COMMON ORDER

The petitioners have filed these petitions seeking to set aside the order dated 22.12.2017 made in M.C.No.249 of 2012 passed by the Principal Family Court at Chennai.

2.The petitioners in these revisions are husband and wife respectively. Before the Trial Court, the husband filed petition seeking divorce and the wife filed maintenance case seeking maintenance. Both the petitions were heard together and a common order was passed, wherein, the petition seeking divorce filed by the husband was dismissed and the maintenance case filed by the wife was partly allowed and a sum of Rs.7,500/- per month was awarded towards maintenance in favour of the wife from the date of petition till December, 2017 and a sum of Rs.20,000/- per month was awarded towards maintenance in favour of the wife from 01.01.2018 and a further sum of Rs.10,000/- was awarded in favour of the wife towards litigation expenses. Challenging the maintenance awarded in favour of the wife, the husband has filed Cr1.R.C.No.453 of 2018 and aggrieved by the quantum of the amount awarded, the wife has filed Cr1.R.C.No.333 of 2018.

3.It is represented by the learned counsel appearing for the respective petitioners that during the pendency of these revisions, the dispute inbetween the respective petitioners was solved. To that effect Joint Compromise Memo dated 02.10.2021 signed by the respective petitioners and their counsel is filed. The said Joint Compromise Memo reads as follows:

"1. The respondent/wife filed Maintenance case MC.No.249 of 2012 before the Principal Family Court at Chennai under Section 125 of Criminal Procedure Code Claiming maintenance of Rs.50,000/- per month. The Family Court at Chennai by its order dated 22.12.2017 has been pleased to direct the petitioner/husband to pay a sum of Rs.7,500/- per month from the date of petition i.e., from 14.06.2012 till December 2017 and from 01.01.2018 shall pay a sum of Rs.20,000/- per month.

2. The petitioner/husband filed Cr1.RC.No.453 of 2018 challenging the above



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said order dated 22.12.2017 passed in MC in MC.No.249 of 2012. The respondent/wife filed CrI.RC.No.333 of 2018 for enhancement of monthly maintenance.

3. Now the petitioner and the respondent are amicably resolving the dispute with respect to the above criminal revision petitions in and by which the petitioner in CrI.R.C 453 of 2018/husband agrees and undertakes to pay a sum Rs.22,000/- per month towards maintenance to the respondent in CrI.R.C No.453 of 2018/wife from 01.01.2018 onwards and she agrees to receive the same.

4. The total arrears of maintenance amount calculated at the above amount of Rs.22,000/- including past arrears till September 2021 is Rs.6,20,000/-. The petitioner/husband in CrI.R.C.453 of 2018 agrees to pay the above mentioned arrear amount in 3 installments, i.e., Rs.2,00,000/- on or before 30.11.2021; Rs.2,00,000/- on or before 31.12.2021; and a sum of Rs.2,20,000/- on or before 31.01.2022 for which the respondent/wife in CrI.R.C.453 of 2018 also agrees for the same.

5. The maintenance amount of Rs.22,000/- from October 2021 will be paid on or before the 10th day of every English calendar month through online banking transfer/NEFT/IMPS/RTGS to the below bank account of the wife/respondent in CrI.R.C.453 of 2018:

SBI Bank – Nolambur branch
Account number: 10917533514
Account name: Nirmala S
IFSC code: SBIN0016338

6. This joint compromise memo is to be recorded in the above criminal revision petitions and the same may be closed and thus



render justice."

4.The Joint Compromise Memo dated 02.10.2021 is recorded. The parties are directed to follow the terms in the Joint Compromise Memo. The Joint Compromise Memo dated 02.10.2021 shall form part and parcel of the order.

5.These revisions are disposed of with above said terms. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Enclosed Xerox Copy of Joint Compromise

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To

1.The Principal Family Court,
Chennai.

+1cc to Mr.A.Veerasamy, Advocate, S.R.No.51798

+1cc to Mr.J.Saravanavel, Advocate, S.R.No.51633

Cr1.R.C.Nos.453 and 333 of 2018

And

Cr1.M.P.No.5482 of 2018

SM(CO)

SB(01/11/2021)