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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.Nos.873 & 1215 of 2018
and Crl.M.P.No.9949 of 2018

Crl.OP.No.873 of 2018:
V.K.Uzair Ahmed

...Petitioner

-Vs-

1. Fathima Chandini

2. Md.Azam

Minor

Rep. by the first respondent & mother

...Respondents

This Criminal Revision Case is filed under Sections 397 read with Section 401 of Cr.P.C. to call for the records in MC.No.77 of 2017 on the file of the learned V Additional Family Court, Chennai and set aside the same dated 22.06.2018.

For Petitioner : Mrs.Shaikh Mehrunisa Kasim

For Respondents : Mr.Md.Ashfaq Rafi

Crl.OP.No.1215 of 2018:

Fathima Chandini @ N.Fathima Anbareen

...Petitioner

-Vs-

V.K.Uzair Ahmed

...Respondent

This Criminal Revision Case is filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order dated 22.06.2018 in partly allowing the maintenance petition passed by the learned V Additional Family Court, Chennai in MC.No.77 of 2017.

For Petitioner : Mr.Md.Ashfaq Rafi

For Respondent : Mrs.Shaikh Mehrunisa Kasim



COMMON ORDER

These petitions have been filed to set aside the order in MC.No.77 of 2017 on the file of the learned V Additional Family Court, Chennai.

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2. Since the issue involved in both the matters and the facts are one and the same. Both the petitions are disposed of by way of common order. The parties are referred to as per their relationship in the revision cases.

3. The petitioner in Crl.RC.No.873 of 2018 is husband and the petitioner in Crl.RC.No.1215 of 2018 is wife.

4. The case of the wife is that the marriage was solemnized between them on 24.09.2011 as per the rites of Islam. Out of the wedlock, a male child was born to them in the year 2012. After the marriage, the wife was living in the matrimonial home along with her husband, father in law, mother in law, abandoned sister in law and her child. The husband and his family members often harassed the wife and demanded dowry and finally, the family members driven out her to the parental home to bring dowry. Due to the diffidence of opinion, the couples were living separately and thereafter, the wife filed a maintenance petition before the V Additional Family Court, Chennai, under Section 125 Cr.P.C., claiming maintenance of Rs.25,000/- toward maintenance to the wife and child. The Family Court after adverting the materials placed on record and after hearing both the parties, allowed the petition in part and the husband was directed to pay a sum of Rs.10,000/- per month to the wife and to pay a sum of Rs.5,000/- per month to the son towards maintenance. As against the same, the wife filed the revision in Crl.RC.No.1215 of 2018 before this Court for enhancement of the maintenance.

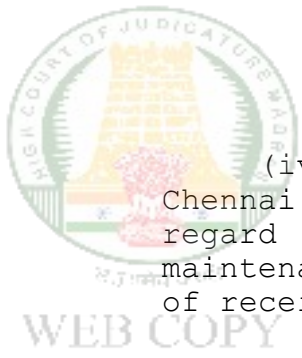
5. The case of the husband is that the wife was not willing to live in the joint family. Due to family dispute, the wife left the matrimonial home on her own volition. The husband has not demanded any dowry from her and he denied all the allegations made against him. The husband is ready and willing to join with his wife. The Family Court was directed the husband to pay a sum of Rs.10,000/- per month to the wife and to pay a sum of Rs.5,000/- per month to the son towards maintenance, which was very high. As against the same, the husband filed the revision in Crl.RC.No.873 of 2018 before this Court for setting aside the order of the Family Court.

6. The learned counsel for the wife submitted that the husband and his family members sent the wife from the matrimonial home. The wife is now living in her parents house along with her son and she is struggling for her livelihood.



३.५ प्रत्येक अर्थी

(iii) Further, the husband is directed to pay a sum of Rs.12,500/- as monthly maintenance to the wife and son on or before 5th day of every English Calender month, without any default, till the disposal of the maintenance case; and



(iv) the learned V Additional Principal Judge, Family Court, Chennai shall permit the parties to adduce the evidence with regard to the employment of the husband and fix a fair maintenance amount within a period of three months from the date of receipt of a copy of this order.

9. With the above directions, both the Criminal Revision Cases are disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

rli

To

The V Additional Family Court, Chennai.

+1cc to Mr.Md.Ashfaq Rafi, Advocate SR.No.49206

Crl.R.C.Nos.873 & 1215 of 2018
and Crl.M.P.No.9949 of 2018

GMR (CO)
GMY (22/10/2021)