

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1542 of 2017

And

Crl.M.P.No.15493 of 2017

Mr.Arrffen

... Petitioner

Vs.

J.Sharmila Banu

... Respondent

Prayer:

Petition filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to call for the records and set aside the order dated 19.08.2017 passed in F.C.M.C.No.17 of 2017 on the file of the Family Court, Dharmapuri District.

For Petitioner : Mr.I.Abdul Basith

For Respondent : Mr.C.Munusamy

O R D E R

The petitioner has filed this petition seeking to call for the records and to set aside the order dated 19.08.2017 passed in F.C.M.C.No.17 of 2017 on the file of the Family Court, Dharmapuri District.

2.The facts of the case is that the marriage between the petitioner and the respondent was solemnized on 11.01.2015 at Dharmapuri Town as per the Mohameddan Rites. Thereafter, dispute arose inbetween them and they are living separately. The petitioner filed petition seeking restitution of conjugal rights before the Family Court, Salem in O.S.No.29 of 2015. The respondent filed F.C.M.C.No.17 of 2017 before the Family Court, Dharmapuri seeking a sum of Rs.15,000/- per month as maintenance and a sum of Rs.50,000/- per year towards other expenses and after adjudication, the trial Court awarded a sum of Rs.8,000/- per month towards maintenance and a sum of Rs.30,000/- per year for other expenses in favour of the respondent. Challenging the same, the petitioner has filed this revision.

3.The learned counsel appearing for the petitioner submitted that the grievance of the petitioner is only the quantum of the amount awarded in favour of the respondent, which is highly excessive and further submitted that the petitioner agrees to pay a reasonable amount to the respondent.

4.The learned counsel appearing for the respondent submitted that the respondent is ready to forego the yearly amount awarded towards other expenses, however, the amount awarded towards maintenance is just and reasonable.

5.The facts of the case and the relationship between the parties is not disputed. The respondent is ready to forego the yearly amount awarded towards other expenses, however, the grievance of the petitioner is the quantum of the amount awarded in favour of the respondent.

6.In view of the above, this Court, without going into the merits of the case is inclined to modify the amount awarded by the Family Court, Dharmapuri District in F.C.M.C.No.17 of 2017 dated 19.08.2017 as follows:

'The petitioner is directed to pay maintenance at the rate of Rs.7,000/- per month to the respondent from the date of maintenance case petition. The amount of Rs.30,000/- per year awarded towards other expenses is set aside.'

7.The petitioner is directed to deposit the entire arrears amount as per the modified award amount to the credit of F.C.M.C.No.17 of 2017 before the Family Court, Dharmapuri District, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the learned Family Court Judge, Dharmapuri District, shall disburse the same in favour of the respondent.

8.The revision is accordingly disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

The Judge,
The Family Court,
Dharmapuri District.

Copy to:

The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.I.Abdul Basith, Advocate Sr No.45163

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SVI (CO)
PR (18/10/2021)