



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2022

CORAM:

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)No.574 of 2020

V.Mathivanan

... Petitioner/Petitioner

Vs.

R.Jegatha

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order, dated 18.10.2019 made in M.C.No.10 of 2019 on the file of the Family Court, Nagercoil, Kanyakumari District and set aside the same.

For Petitioner : Mr.E.V.N.Siva

For Respondent : Mr.Ka.Ramakrishnan

O R D E R

This Criminal Revision Case has been filed to set aside the order, dated 18.10.2019 made in M.C.No.10 of 2019 on the file of the Family Court, Nagercoil, Kanyakumari District, thereby, ordered maintenance of Rs.4,500/- (Rupees Four Thousand and Five Hundred only) in favour of the respondent herein.

2. The petitioner got married the respondent, on 02.09.2013, at the house of the respondent as per Hindu rites and custom of the community. However, after marriage, there was a misunderstanding arising due to misbehavior and suspicious character of the petitioner herein. Thereafter, the respondent was attacked by the petitioner and they also demanded huge dowry and harassed the respondent herein. She was driven out from the matrimonial home and she could not be able to maintain herself. As such, she filed maintenance petition as against the petitioner.

3. On the side of the respondent, she was examined as P.W.1 and marked Exs. P.1 to P.6. On the side of the petitioner, he examined R.W.1 and R.W.2.

4. On a perusal of materials and oral evidence, the Court below ordered a sum of Rs.4,500/- (Rupees Four Thousand and Five Hundred only) in favour of the petitioner towards monthly maintenance from



the date of the petition.

5. The learned counsel appearing for the petitioner would submit that the quantum of maintenance may be reduced, since the petitioner is working as driver and due to Covid-19, he could not able to earn more money.

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6. A perusal of the records revealed that the petitioner owned tourist Van bearing Registration No.TN-74-R-9760 and is also having some agricultural land. Admittedly, the respondent is living separately and she could not maintain herself and as such, she rightly filed the petition for maintenance. It is also seen that the petitioner filed divorce petition in H.M.O.P.No.7 of 2018 and the same was dismissed vide order, dated 13.04.2019. Aggrieved by the same, the petitioner preferred an appeal and it is pending before this Court. The petitioner also admitted that he is a car driver and he owned a Van. Therefore, the Court below rightly awarded the maintenance of Rs.4,500/- (Rupees Four Thousand and Five Hundred only) per month, payable by the petitioner. This Court finds no infirmity or illegality in the order passed by the Court below. This Criminal Revision Case is dismissed, accordingly.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

1. The Preciding Officer,
Family Court,
Nagercoil,
Kanyakumari District.

Copy to

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

CrI.R.C.(MD)No.574 of 2020

05.04.2022

RK(26/04/2022) 2P 4C