



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C.(MD)No.184 of 2020

WEB COPY

T.Balamurugan

... Petitioner

Vs.

N.Pappu Sankari

... Respondent

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records of the order dated 03.10.2019 passed in M.C.No.58 of 2018 on the file of the Family Court, Tirunelveli and set aside the same by allowing this Criminal Revision Petition.

For Petitioner : Mr.N.Pragalathan

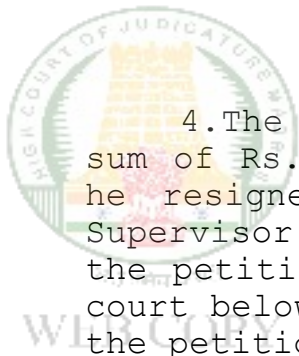
For Respondent : Mr.K.Rajeshwar

O R D E R

This Criminal Revision Petition has been filed as against the order passed by the learned Judge, Family Court, Tirunelveli in M.C.No.58 of 2018 on 03.10.2019, thereby ordered maintenance of Rs.10,000/- per month, payable by the petitioner in favour of the respondent herein.

2.The petitioner got married to the respondent on 10.12.2012. The respondent lived in the matrimonial home only for 22 days and due to misunderstandings they got separated. Thereafter, the petitioner filed a petition for Restitution of Conjugal Rights in H.M.O.P.No.290 of 2013, on the file of Sub Court, Thoothukudi. However, the respondent was not willing to go with the petitioner and as such, that petition was withdrawn and the petitioner filed petition for divorce in H.M.O.P.No.54 of 2016, on the file of Sub Court, Thoothukudi and the same was allowed and granted divorce, in favour of the petitioner. Aggrieved by the same, the respondent did not prefer any appeal so far. After period of two years from the date of decree of divorce, the respondent filed a petition for maintenance in M.C.No.58 of 2018.

3.Admittedly, the respondent is a M.B.A. graduate and she is living with her parents. At the time of divorce petition, the respondent did not ask for any maintenance and even after period of two years from the date of decree, she did not ask for any maintenance.



4.The petitioner in his deposition, admitted that he received a sum of Rs.40,000/- as salary in the private company and thereafter he resigned from the said company and now he is working as a Supervisor in the private company. No property stands in the name of the petitioner. That apart, no issues between them. However, the court below ordered maintenance of Rs.10,000/- per month, payable by the petitioner to the respondent herein.

5.In view of the above, this court is of the considered view that the maintenance awarded by the lower court is high and it can be reduced to Rs.5,000/-. Accordingly, the order passed by the learned Judge, Family Court, Tirunelveli in M.C.No.58 of 2018 on 03.10.2019, is modified and the monthly maintenance payable by the petitioner is modified as Rs.5,000/- from Rs.10,000/-, from the date of filing of the petition for maintenance. The petitioner is directed to deposit the arrears of maintenance, within a period of four weeks, from the date of receipt of a copy of this order and thereafter directed to pay monthly maintenance of Rs.5,000/- (Rupees Five Thousand Only), to the petitioner, without fail regularly.

6.With the above directions, this Criminal Revision Petition is disposed of.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judge,
Family Court, Tirunelveli.

Copy to:

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-9345[F] dated 01/03/2022)

Crl.R.C. (MD)No.184 of 2020

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