



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.249 of 2022

and

Crl.M.P(MD)No.3375 of 2022

Sree Hari Venkatesan

...Petitioner/Respondent

Vs.

1.Aswini

2.Minor Lithanya

...Respondents/Petitioners

(Represented through her mother and next friend

namely Aswinin/1st Respondent)

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in M.C.No.3 of 2020, dated 24.08.2021 on the file of the Family Court, Karur and to set aside the same.

For Petitioner

: Mr.M.Natarajan

For Respondents

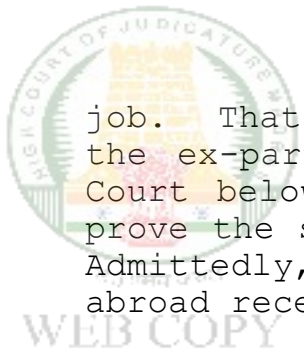
: Mr.E.K.Kumaresan

ORDER

This petition has been filed to set aside the order in M.C.No.3 of 2020, dated 24.08.2021 on the file of the Family Court, Karur.

2.The petitioner got married with the first respondent on 15.09.2013. Due to wedlock, they gave birth to the second respondent. Thereafter, due to cruelty and otherwise on the allegations, the first respondent had been driven out from the matrimonial home and has filed a petition in M.C.No.3 of 2020 before the Family Court, Karur seeking maintenance and also filed a petition in HMOP.No.108 of 2019. In both the petitions, the petitioner was set as ex-parte and on perusal of the oral and document evidence, the Court below ordered a sum of Rs.25,000/- to be paid as the monthly maintenance for both the respondents by the petitioner herein.

3.On perusal of records revealed that the first respondent was examined as PW1 and Ex.P1 to Ex.P8 were marked. Ex.P8 is the salary certificate of the petitioner. Accordingly, the petitioner was working as a Engineer in Wipro Arabio Limited at Southi Arabia and he was drawing Rs.3,41,000/- per month. However, the learned counsel for the petitioner would submit that now the contract period was over and he is searching for job. This Court cannot believe that the Engineer, who worked in abroad, now he is searching for



job. That apart, the petitioner has filed a petition to set aside the ex-parte order pending before the trial Court. However, the Court below also recorded that the first respondent has failed to prove the salary slip of the petitioner in the manner known to law. Admittedly, the petitioner is an Engineer and he worked some time in abroad received a salary at huge.

4.Considering the above, this Court is inclined to reduce for the maintenance amount payable by the petitioner from Rs.25,000/- to Rs.20,000/- as monthly maintenance in favour of the respondents herein. Accordingly the petitioner is directed to pay a sum of Rs.10,000/- each to the respondents as monthly maintenance. It is also made clear that the trial Court is directed to consider the petition filed by the petitioner to set aside the ex-parte order on merits in accordance with law without influence of the any of the observation made by this Court.

5.With the above direction, the Criminal Revision Case is partly allowed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To
The Judge,
Family Court,
Karur.

Copy to

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

+1 CC to M/s.E.K. KUMARESAN, Advocate (SR-19320[F] dated 19/04/2022)

+1 CC to M/s.M. NATARAJAN, Advocate (SR-19897[F] dated 20/04/2022)

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