



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **07.04.2022**

CORAM:

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

Crl.R.C. (MD)No.274 of 2020

Rowther Kani

... Petitioner/ Respondent

Vs.

1.A.Jerinabegam

2.Minor.Absanabegam,

Represented by her Guardian and

first respondent/ A.Jerinabegam

... Respondents/Petitioners

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.66 of 2018 on the file of the learned Family Court, Sivagangai and to set aside the order passed in M.C.No.66 of 2018, dated 11.12.2019.

For Petitioner : Mr.A.George Stephen Kanikkairaj

For Respondents : Mr.S.Bharathy Kannan

O R D E R

This Criminal Revision Case has been filed to set aside the order passed in M.C.No.66 of 2018 on the file of the learned Family Court, Sivagangai and thereby, ordered monthly maintenance under Section 125 Cr.P.C in favour of the respondents herein.

2. The petitioner and the first respondent herein got married on 21.05.2012. Due to wedlock, she gave birth to the second respondent. Thereafter, the petitioner demanded huge dowry and also harassed the first respondent. Thereafter, they were also driven out from the matrimonial home. They could not be able to maintain themselves and as such, filed maintenance case in M.C.No.13 of 2015.

3. On the side of the respondents, they examined P.W.1 and P.W.2 and marked Ex.B.1 to B.6.

4. On the side of the petitioner, he was examined R.W.1 and no documents were marked.

5. On a perusal of the oral and material evidence, the Court below allowed the maintenance case and ordered a sum of Rs.5,000/- (Rupees Five Thousand only) as monthly maintenance in favour of the first respondent and a sum of Rs.4,000/- (Rupees Four Thousand only) as monthly maintenance to the second respondent payable by the petitioner herein.

6. The learned counsel appearing for the petitioner would



submit that the petitioner is a daily wager and he is earning only Rs.250-Rs.300 per day. That apart, the first respondent also filed a domestic violence complaint in D.V.O.P.No.11 of 2016 and it is pending on the file of the Judicial Magistrate Court, Thirupattur.

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7. A perusal of records revealed that the petitioner is doing a wholesale business of vegetables and is earning a sum of Rs.30,000/- (Rupees Thirty Thousand only) per month. The petitioner failed to produce any document to substantiate the said claim. However, the petitioner admitted that he is doing vegetable vending business and is earning a sum of Rs.300/- (Rupees Three Hundred only) per day. After considering the evidence, the Court below ordered maintenance of sum of Rs.5,000/- (Rupees Five Thousand only) in favour of the first respondent and a sum of Rs.4,000/- (Rupees Four Thousand only) in favour of the second respondent as monthly maintenance payable by the petitioner herein. This Court is of the opinion that maintenance amount may be reduced reasonably.

8. Accordingly, this Criminal revision Case is partly allowed and the petitioner is directed to pay a sum of Rs.3,000/- (Rupees Three Thousand only) to the first respondent and Rs.3,000/- (Rupees Three Thousand only) to the second respondent as monthly maintenance. The respondents are directed to file necessary petition as against the petitioner, for arrears of maintenance, accordingly.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

The Judge Family Court,
Sivagangai.

+1 CC to M/s.A. GEORGE STEPHEN, Advocate (SR-17807[F] dated
11/04/2022)

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07.04.2022

GM(CO)
KB(27.04.2022) 2P 3C