



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM:

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

CRL.R.C(MD).No.469 of 2020

G.Naushad

... Petitioner/Revision Petitioner/Respondent

Vs

S.Kishver Begum

... Respondent/Respondent/Petitioner

Prayer: Criminal Revision Case filed under Sections 397 r/w 401 of the Code of Criminal Procedure, to call for the records in Cr.M.P.No.1448 of 2019 dated 15.05.2020 in M.C.No.22 of 2008 on the file of the Chief Judicial Magistrate, Madurai and set aside the same.

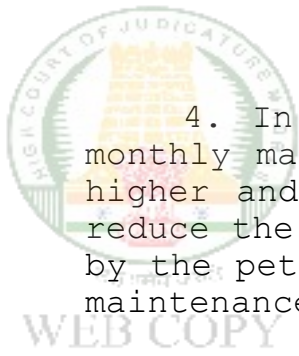
For Petitioner : Mr.N.Mohideen Basha
For Respondent : No appearance

O R D E R

This Criminal Revision Case has been filed as against the order passed in Cr.M.P.No.1448 of 2019 in M.C.No.22 of 2008 on 15.05.2020 by the Chief Judicial Magistrate, Madurai.

2. The petitioner got married the respondent and gave birth to the female child. Due to cruelty and desertion by the petitioner, the respondent issued triple Thalaak by a notice dated 21.12.2006. Though it was challenged in O.S.No.280 of 2009 to declare the notice as invalid, the suit was dismissed. Thereafter, the respondent filed G.W.O.P.No.34 of 2008 seeking custody of the female child and the same was also dismissed. While being so, the respondent has filed a petition for maintenance in M.C.No.22 of 2007. The Court below ordered a sum of Rs.2,000/- as monthly maintenance payable by the petitioner herein. The petitioner was also continuously paying the said monthly maintenance to the respondent. However, in the year 2019, the respondent has filed a petition for enhancement of monthly maintenance under Section 127 of Cr.P.C. The Court below enhanced the monthly maintenance from Rs.2,000/- to Rs.9,000/-, considering the salary received by the petitioner herein.

3. The learned counsel appearing for the petitioner pointed out that while cross-examination of the respondent in G.W.O.P.No.34 of 2008, the respondent categorically admitted that she is earning a sum of Rs.6000/- from Hindi Tuition class and she is working as Manager in the private shop. He further submitted that the petitioner is about to arrange the marriage for her daughter, who is aged about 19 years and is maintaining his aged parents.



4. In view of the aforesaid facts, this Court feels that the monthly maintenance of Rs.9,000/- as ordered by the Court below is higher and it has to be reduced. Hence, this Court is inclined to reduce the monthly maintenance from Rs.9,000/- to Rs.5,000/- payable by the petitioner and the petitioner is directed to pay the monthly maintenance of Rs.5,000/- to the respondent.

5. Accordingly, the Criminal Revision Case is partly allowed.

Sd/-

Assistant Registrar (Records)

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/ /2022

Sub Assistant Registrar(CS)

ssb

To

The Chief Judicial Magistrate,
Madurai.

COPY TO:-

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

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nsn(CO)

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