



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2022

CORAM:

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

CRL OP(MD). No.14873 of 2020

Kalavathi

... Petitioner/Respondent

Vs

C.Vetrivel Murugan

... Respondent/Petitioner

PRAYER :- This Criminal Original Petition filed under Section 482 Cr.P.C.to call for the records pursuant to the orders passed in Crl.R.C.No.2/2019 dated 19.12.2019, on the file of the Learned Additional District Judge (FTC), Theni and set aside the same and thereby modify the maintenance amount passed by the learned Chief Judicial Magistrate, Theni in M.C.No.12/2014 dated 31.03.2016.

For Petitioner	: Mr.M.Prabu
For Respondent	: Mr.M.Pandian

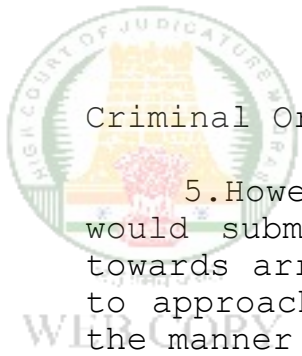
ORDER

The Criminal Original Petition has been filed to set aside the order passed in Crl.R.C.No.2/2019 dated 19.12.2019, on the file of the learned Additional District Judge (FTC), Theni, thereby, modify the maintenance amount passed by the learned Chief Judicial Magistrate, Theni, in M.C.No.12/2014 dated 31.03.2016.

2.The petitioner is the wife and the respondent is the husband. Both got married and due to misunderstandings between them, they got separated. The respondent filed a petition for divorce in H.M.O.P. No.77 of 2013 and the same was dismissed. Aggrieved by the same, the respondent also filed an appeal and the petitioner filed a petition for maintenance in M.C.No.12 of 2014. The Court below ordered monthly maintenance of a sum of Rs.9,000/- payable by the respondent to the petitioner herein.

3.Perusal of records reveals that the respondent is working as a constable in C.R.P.F. In the year 2014, he was drawing salary of Rs.32,000/- per month. Though, the petitioner did not produce any material to prove the income of the respondent, the trial Court ordered maintenance of Rs.9,000/- as monthly maintenance. The first appellate Court consider the fact that the respondent is only a **constable**, he would have earned less than Rs.50,000/- after deduction and also considered that the petitioner has no issues, thereby reduced the monthly maintenance amount from Rs.9,000/- to Rs.7,000/-.

4.Considering the above facts, this Court finds no infirmity or illegality in the order passed by the Court below. Therefore, this



Criminal Original Petition is dismissed.

5.However, the learned counsel appearing for the petitioner would submit that so far, the respondent did not pay any amount towards arrears of maintenance. The petitioner is always at liberty to approach the trial Court to execute the award of maintenance in the manner known to law.

Sd/-

Assistant Registrar (Cs-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 Additional District Judge(FTC)
Theni.

2. The Chief Judicial Magistrate, Theni

+1 CC to M/s.M.PRABU, Advocate (SR-14600[F] dated
25/03/2022)

+1 CC to M/s.M.PANDIAN, Advocate (SR-15186[F] dated
29/03/2022)

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KM(CO)

KB(01.04.2022) 2P 5C