



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

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

Crl.R.C(MD)No.861 of 2021

WEB COPY

B.Mohammed Halith

... Revision Petitioner/
Petitioner/Respondent

Vs.

1. Jannathul Firthous

...Respondent/Respondent/
1st petitioner

2. Minor.Mohameed Kasim
(Minor rep.by the Mother of
Jannathul Firthous)

... Respondent/Respondent/
2nd Petitioner

Prayer: This Criminal Appeal Petition filed under Section 397, r/w.401 of Cr.P.C. to call for the entire records and relating to the order passed in Cr.M.P No.197 of 2021 by the learned Judicial Magistrate, Uthamapalayam, dated 11.08.2021, set aside the same and allow the criminal revision petition.

For Petitioner : Mr.Niranjana S.Kumar

ORDER

This Criminal Revision Petition has been filed to set aside the order in Cr.M.P.No.197 of 2021, passed by the learned Judicial Magistrate, Uthamapalayam, dated 11.08.2021, thereby, to set aside the *exparte* order against the petitioner, ordered to pay 50% of arrears of monthly maintenance amount ie., Rs.66,000, within two weeks from the date of order.

2.The petitioner is the husband and the respondent is the wife. Due to their wedlock, they gave birth to the second respondent, thereafter, due to misunderstandings between them, they got separated. In fact, the petitioner also filed a divorce petition and the same is pending. In the meanwhile, the respondent filed a maintenance case in M.C.No. 2 of 2019, on the file of Judicial Magistrate Court, Uthamapalayam. On receipt of the summons from the maintenance case, the petitioner failed to appear before the trial Court and he was set *exparte* and ordered monthly maintenance of Rs.3,000/- each to the respondents, payable by the petitioner herein. Therefore, the petitioner filed a petition to set aside the *exparte* order and the same was allowed, on condition that the petitioner shall deposit 50% of arrears of maintenance amount, i.e., Rs.66,000, within two weeks from the date of order.



3.It seems from the order that the Court below directed the petitioner to deposit only 50% of arrears of maintenance amount as on the date of order, is very reasonable. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.

4.In view of the above, this Criminal Revision Petition stands dismissed.

Sd/-

Assistant Registrar (Writs)

// 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

The Judicial Magistrate, Uthamapalayam.

+1 CC to M/s.NIRANJAN S KUMAR, Advocate (SR-10113[F] dated 04/03/2022)

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