



Crl.R.C.No.221 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.03.2023

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.RC.No.221 of 2020

D.Sasikumar.

... Petitioner

/versus/

Ellammal @ Komalatha.

... Respondent

Prayer: Criminal Revision Petition is filed under Sections 397 and 401 of Cr.P.C., to set aside the order dated 12.11.2019 made in M.C.No.194 of 2016 on the file of the III Additional Family Court, Chennai.

For Petitioner : Mr.K.Ramesh.

For Respondent : Mr.S.Balasubramaniam



Crl.R.C.No.221 of 2020

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ORDER

This Criminal Revision Petition is filed by the husband/Sasikumar being aggrieved by the order passed by III Additional Family Court, Chennai in M.C.No.194 of 2016.

2. The brief facts of the case is that, the petitioner and the respondent got married on 02.07.2006 as per Hindu Rites and Customs. Due to misunderstanding and mistrust, they got separated. Mr.Sasikumar the petitioner herein filed petition for divorce on the ground of cruelty before the III Additional Family Court, Chennai in O.P.No.389 of 2016. Pending disposal of the divorce petition, Ms.Ellammal @ Komalatha has filed Maintenance Petition under Section 125 of Cr.P.C., seeking maintenance for a sum of Rs.15,000/- per month. The Learned III Additional Family Judge, Chennai, after considering the rival submissions as ordered the petitioner to pay a sum of Rs.7,500/- per month and said amount shall be paid on or before 5th of every month and arrears amount shall be paid within two months.



Crl.R.C.No.221 of 2020

WEB COPY

3. Aggrieved by that, the present Revision Petition is filed stating that, his monthly income is less than Rs.10,000/- per month and he cannot offered to pay a sum of Rs.7,500/- as maintenance to his wife.

4. This Court, at the time of admission, granted interim stay of the order dated 12.11.2019, on condition that, the revision petitioner shall pay a sum of Rs.5,000/- per month as interim maintenance pending disposal of the revision petition. Accordingly, the petitioner has paid the maintenance at the rate of Rs.5,000/- per month till date.

5. Today, the parties are before this Court and filed consent affidavit stating that the respondent Ellammal @ Komalatha is now being gainfully employed, needs no maintenance from her husband and therefore, she is not insisting upon any maintenance from him in future. It is also brought to the notice of this Court that the H.M.O.P filed by the husband is dismissed by the Family Court. Aggrieved by that, the husband has filed C.M.A.No.3190 of 2021 which is pending before this Court.



Crl.R.C.No.221 of 2020

WEB COPY

6. This Court, on considering the facts, submissions of the case and take note of the law that Section 125 of Cr.P.C., can be altered, modified and varied by the Lower Court based on change in circumstances. It is also brought to the notice of this Court that the respondent/wife being gainfully employed, she no need of any maintenance from the petitioner herein and therefore, the order of maintenance may be stopped. On 15.02.2023, consent affidavit was filed before the Registry by both the parties and the parties are physically present today. Hence, this Criminal Revision Petition is disposed of by directing the parties to appear before the III Additional Family Court, Chennai, to make necessary endorsement for closing the Maintenance Case. It is open to the petitioner to work out his remedy with regard to divorce petition, which is now pending before this Court.

07.03.2023

Index :Yes/No.
Internet :Yes/No.
Speaking order/Non-speaking order
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Page No.4/6



Crl.R.C.No.221 of 2020

WEB COPY

To:-

1. The III Additional Family Court, Chennai.



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Crl.R.C.No.221 of 2020

Dr.G.JAYACHANDRAN,J.

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Crl.RC.No.221 of 2020

07.03.2023