



Crl.R.C.(MD)No.193 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 23.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

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and

Crl.M.P(MD) 2917 of 2019

Soundar

... Petitioner/ Respondent
vs.

Uma Parameswari

... Respondent/Petitioner

PRAYER : This Criminal Revision has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records of the impugned order passed in M.C.No.50/2017 dated 30.05.2018 on the file of the Family Court, Tirunelveli and set aside the same.

For Petitioner : Mr.K.Vamanan

For Respondent : Mr.P.Sepana alias Sreee

ORDER

This Criminal Revision Petition has been filed to set aside the order passed in M.C.No.50/2017 dated 30.05.2018 on the file of the



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Family Court, Tirunelveli and thereby ordered maintenance of Rs. 10,000/- in favour of the respondent.

2.The petitioner got married the respondent on 01.12.2006. Due to their wedlock, they gave birth to a female child on 10.12.2008. There was misunderstanding between them and as such, the respondent was driven her out from the matrimonial home. Due to the mental agony, she also got illness and she was not provided with any food. Therefore, she was driven out from the matrimonial home. Hence, she could not maintain herself and filed a petition for maintenance. The daughter is now with her father, namely the petitioner herein. Though the respondent averred that the petitioner is doing real estate business and also owned three house on rent and earned Rs.30,000/-, the respondent has failed to produce material evidence to show that the petitioner had source of income. As per the interim order passed by this Court, now the petitioner is paying a sum of Rs.6,000/- as monthly maintenance without fail. Admittedly, the minor daughter is also with the custody of the petitioner and he is maintaining and paying all the school fees and all other expenses.



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3.Considering the above facts and circumstances, this Court is inclined to reduce the maintenance amount from Rs.10,000/- to Rs.6,000/- payable by the petitioner.

4.Accordingly, the Criminal Revision Case is partly allowed and the order passed in M.C.No.50/2017 dated 30.05.2018 on the file of the Family Court, Tirunelveli, is modified to the effect that the petitioner shall pay a sum of Rs.6,000/- per month to the respondent as monthly maintenance. Consequently, connected miscellaneous petition is closed.

23.06.2023

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NCC : Yes/No

Index: Yes/No

Internet: Yes/No

To

- 1.The Family Court, Tirunelveli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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