



Crl.R.C(MD)No.266 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**Crl.R.C(MD)No.266 of 2019
and
Crl.M.P(MD)No.3954 of 2019**

Athi Jayamani ... Petitioner/Respondent

Vs.

Priya ... Respondent/Petitioner

PRAYER: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the entire records pertaining to the order passed in M.C.No.22 of 2018 on the file of the Family Court, Sivagangai, dated 11.09.2018 and set aside the same.

For Petitioner : Mr.P.R.Boomee Rajan

For Respondent : Mr.S.T.Sasidharan Tamilkani



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ORDER

The revision has been filed as against the order of maintenance passed in M.C.No.22 of 2018, dated 11.09.2018, on the file of the Family Court, Sivagangai, thereby ordering maintenance of Rs.25,000/- per month in favour of the respondent.

2.The petitioner and the respondent were working in the Alagappa Engineering College, Karaikudi. The respondent was working as a part-time lecturer and the petitioner was working as a permanent lecturer in the said college and both of them fell in love. Thereafter, the petitioner married the respondent on 10.10.2013. According to the respondent, the petitioner is an incompetent person to have sexual cohabitation with the respondent. That apart, the petitioner also suspected the respondent's fidelity. Thereafter, the respondent was driven out from the matrimonial home. The respondent was staying with her parents and she also lost her job. Therefore, she could not able to maintain herself and filed a petition for maintenance under Section 125 of Cr.P.C. Though the petitioner received notice, he failed to file any counter. Therefore, he was set



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exparte and the trial Court ordered maintenance of Rs.25,000/- per month payable by the petitioner in favour of the respondent herein.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.On perusal of the records revealed that in order to prove the employment of the petitioner, the respondent did not produce any documents. In her petition, she averred that she was working as a part-time lecturer. The petitioner was a permanent lecturer in the same Engineering College and he was drawing salary a sum of Rs.1,00,000/-. Since the petitioner herein was set exparte, the trial Court allowed the maintenance petition filed by the respondent as prayed for. It is also seen that the respondent is also an equally qualified person and as such, this Court is inclined to reduce the monthly maintenance from Rs.25,000/- to Rs.15,000/- payable by the petitioner to the respondent.



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5. Accordingly, this Criminal Revision Case is partly allowed and the award amount has been modified from Rs.25,000/- to Rs.15,000/- per month payable by the petitioner to the respondent. Consequently, connected Miscellaneous Petition is closed.

27.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

1. The Family Court,
Sivagangai.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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