



WEB COPY

CRL MP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty First day of June Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL MP(MD) No.8810 of 2023
in
CRL RC (MD) No.386 of 2023

P.PATTURAJA

... Petitioner / Petitioner /
Respondent

Vs

1 C.VALLIAMMAI

2 MINOR BHARATHI PERUMAL

3 MINOR. MUTHU SELVAM

... Respondents / Respondents /
Petitioners

(2nd and 3rd respondents represented through their mother, natural guardian/1st respondent)

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to modify the order in Crl.MP.No.5746 of 2023 in Crl.Rc.(MD) No.386 of 2023 dated 11.4.2023 in the condition that the petitioner shall deposit the entire arrears amount of maintenance pending as of now in MC.No.37 of 2020 on the file of the Family Court, Thoothukudi.

Prayer in CRL RC(MD). 386/ 2023 :

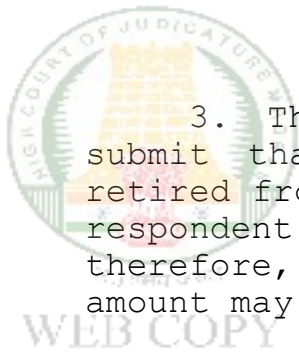
To call for the records pertaining to the impugned order in M.C No. 37 of 2020 dated 19.12.2022 on the file of the Family Court, Thoothukudi and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.PINAYGASH I, Advocate for the petitioner and of Mr.R.BALA KRISHNAN, Advocate for the Respondents, the court made the following order:-

The above petition has been filed seeking orders to modify the order passed in Crl.M.P.(MD)No.5746 of 2023, dated 11.04.2023.

2. It is seen from the records that this Court while granting interim stay in Crl.M.P.(MD)No.5746 of 2023 directed the petitioner to deposit the entire arrears amount of maintenance pending as of now and continue to pay the amount awarded by the trial Court till the disposal of the criminal revision.

<https://www.mca.gov.in>



3. The learned counsel appearing for the petitioner submit that the petitioner, after serving as CRPF driver, got retired from his service due to his health condition, that the first respondent is now working as a Teacher for consolidated pay and that therefore, the order directing the petitioner to deposit the entire amount may be modified.

4. The learned counsel appearing for the respondents would submit that the petitioner is running a driving school and the first respondent is only getting Rs.7,500/- as consolidated pay.

5. The learned counsel appearing for the petitioner would submit that the petitioner's brother is running a driving school and he has produced the copy of the license to show that the license stands in the name of the petitioner's brother.

6. Considering the entire facts and circumstances of the case, this Court is inclined to modify the condition imposed in Crl.M.P. (MD)No.5746 of 2023 dated 11.04.2023 to that effect the petitioner shall deposit 50% of the arrears amount of maintenance pending as of now on or before **10.07.2023** and continue to deposit 75% of the monthly maintenance amount on every month till the disposal of the criminal revision.

7. Post the matter on **11.07.2023**.

sd/-
21/06/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

To

The Judge,
Family Court, Thoothukudi.

+1 CC to M/s.I.PINAYGASH, Advocate (SR-9396[I] dated 22/06/2023)

ORDER
IN
CRL MP(MD) No.8810 of 2023
in
CRL RC (MD) No.386 of 2023
Date :21/06/2023