



CrI.RC.(MD).No.1029 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.RC.(MD).No.1029 of 2023

and

CrI.M.P.(MD).No.13206 of 2023

S.Syed Abuthagir

... Petitioner

Vs.

1.S.Farjana Subahani Begam

2.S.Syren Ashima

... Respondents

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., to call for the entire records relating to the order dated 04.03.2023 made in M.C.No.15 of 2022, on the file of the learned Judicial Magistrate, Uthamapalayam and set aside the same.

For Respondent : Mr.P.Arun Jayatram

For Respondents : Mr.P.R.Prithiviraj



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ORDER

The petitioner, the husband of respondent herein has filed this criminal revision case challenging the exparte maintenance award passed in M.C.No.15 of 2022 on the file of the Judicial Magistrate, Uthamapalayam.

2.The respondent herein has filed a petition claiming maintenance before the learned Judicial Magistrate stating that the petitioner herein is earning more than a sum of Rs.1,40,000/- as monthly income. Due to some dispute between them, they have separated and she is unable to maintain herself.

3.After the receipt of the notice, the petitioner herein did not appear before the Court below, therefore, the learned trial Judge passed the exparte maintenance order with direction to the petitioner to pay a sum of Rs.25,000/- to the respondent herein as monthly maintenance. Now, the petitioner herein, challenging the said order specifically averred that by showing the salary slip he constructed a house in the name of the first



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respondent and after making the payment, the petitioner is ready to make the payment regularly to the extent of Rs.40,000/- and also it is stated that there are some issues to be adjudicated. Hence, this Court is inclined to accept the condition of the petitioner and set aside the exparte order with the following conditions:

- (i) The interim order passed by the learned Judicial Magistrate ie., Rs.25,000/- as a monthly maintenance is reduced to Rs.15,000/-. After the deduction, the petitioner is directed to deposit the entire arrears of amount within a period of two weeks from the date of receipt of a copy of this order and the learned Judicial Magistrate, after receipt of the entire arrears of the amount, shall disburse the same to the respondent.
- (ii) The learned Judicial Magistrate is directed to dispose of the maintenance case within a period of two months from the date of receipt of a copy of this order. The petitioner is also directed to pay a sum of Rs.15,000/- to the respondent as a monthly maintenance till the disposal of the above said maintenance case.



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4. Accordingly, this Criminal Revision Case Stands allowed.

Consequently, connected miscellaneous petitions stands closed.

21.09.2023

NCC :Yes/No

Index :Yes/No

Internet :Yes/No

sbm

To

The Judicial Magistrate,
Uthamapalayam.



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K.K.RAMAKRISHNAN, J.

sbn

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