

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 17.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)No.561 of 2016

and

Crl.M.P.(MD)No.7047 of 2016

S.Aathi

... Petitioner/Respondent

vs.

1.Komu

2.Minor.Abishek

Rep. by Mother and Natural Guardian by the
first respondent.

...Respondents/Petitioners

PRAYER : This Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records in M.C.No.96 of 2011 on the file of the District Munsif cum Judicial Magistrate, Sivagiri, Shenkottai (in charge), dated 17.03.2016 and set aside the same.

For Petitioner : Mr.Aayiram K.Selvakumar

For R1 : Mr.R.J.Karthick

ORDER

This Criminal Revision Petition is directed against the order passed by the learned District Munsif cum Judicial Magistrate, Sivagiri,

Shenkottai (in charge), in M.C.No.96 of 2011 dated 17.03.2016. Thereby ordered maintenance of Rs.3,000/- in favour of the first respondent and Rs.6,500/- in favour of the second respondent.

2.The petitioner is the husband and he got married the first respondent herein on 01.09.2000. Due to the wedlock, the first respondent gave birth to the second respondent/son. Thereafter, due to some misunderstanding between them, they were living separately. Therefore, the respondents could not maintain themselves and filed a petition for maintenance. The Court below has ordered maintenance for a sum of Rs.3,000/- in favour of the first respondent and a sum of Rs.6,500/- in favour of the second respondent payable by the petitioner every month.

3.Admittedly, the petitioner is working as an Officer in Indian Overseas Bank. In the meanwhile, he filed a petition for divorce and the divorce decree was also granted in favour of the petitioner herein. After divorce, the petitioner got married another marriage and they have gave birth to a child. Further, the second respondent now attained majority. While admitting this revision, this Court has granted stay in Crl.M.P. (MD)No.7047 of 2016, dated 17.08.2016, on condition that the petitioner

shall pay a sum of Rs.2,000/- in favour of the first respondent and a sum of Rs.5,000/- in favour of the second respondent continuously till the disposal of the main revision and also directed to deposit 50% of the arrears amount within a period of three weeks from the date of receipt of a copy of that order. The petitioner has duly complied with the said conditions. Hence, this Court feels that the maintenance payable to the second respondent is not required, since he attained majority, whereas, the first respondent is concerned, she is now staying with her parents and also maintaining the second respondent herein/son and look after his studies.

4.Considering the above facts and circumstances of the case, this Court modify the order of maintenance as follows:-

The petitioner shall pay a sum of Rs.7,000/- as monthly maintenance to the first respondent herein only and no amount shall be paid to the second respondent.

5.Accordingly, this Criminal Revision Petition is partly allowed. The amount deposited by the petitioner before the Court below is permitted to be withdrawn by the first respondent herein by way of filing

proper application. Consequently, connected miscellaneous petition is closed.

17.03.2023

sjj

NCC : Yes/No

Index: Yes/No

Internet: Yes/No

To

1.The District Munsif cum Judicial Magistrate, Sivagiri, Shenkottai.

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.

G.K.ILANTHIRAIYAN , J.

sjj

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