



Crl.R.C(MD)No.380 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**Crl.R.C(MD)No.380 of 2018
and
Crl.M.P(MD)No.5427 of 2018**

Senthilkumar

... Revision Petitioner/
Respondent

Vs.

1.Mohanapriya
2.Minor Vijayalakshmi

... Respondents/
Petitioners

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records and set aside the order dated 04.05.2018 made in M.C.No.22 of 2016 on the file of the Family Court, Dindigul and allow the revision petition.

For Petitioner : Mr.J.Lawrance

For R – 1 : Mr.N.Marimuthu
for Mr.A.Chandra Kumar



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ORDER

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This revision has been filed as against the order of maintenance in M.C.No.22 of 2016 on the file of the Family Court, Dindigul, dated 04.05.2018, thereby ordering monthly maintenance of Rs.3,000/- in favour of the first respondent and Rs.4,000/- in favour of the second respondent herein.

2.The case of the respondents is that the petitioner and the first respondent got married on 28.06.2007. Due to their wedlock, they gave birth to the second respondent on 26.01.2010. There was no cordial relationship between them and due to the misunderstanding, the respondents were driven out from the matrimonial home. Thereafter, the petitioner filed a petition in H.M.O.P.No.328 of 2011 on the file of the Sub Court, Dindigul for restitution of conjugal rights. Even after the order passed by the Court below, the petitioner did not take any steps to live together. While being so, the petitioner filed a petition in H.M.O.P.No.377 of 2014 on the file of the Family Court, Dindigul, for divorce, which was allowed on 11.03.2016 and aggrieved by the same, the first respondent preferred an appeal. Therefore, the respondents could not maintain themselves and as such, they filed a petition under Section 125 of Cr.P.C for maintenance in M.C.No.22 of 2016 on the file of the Family Court, Dindigul.



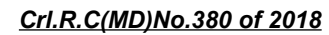
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3.On the side of the respondents, the first respondent herself was examined as P.W.1 and marked Ex.P.1 to 9 and on the side of the petitioner, he himself was examined as D.W.1 and no documents were marked.

4.On perusal of the oral and documentary evidence, the trial Court ordered maintenance of Rs.3,000/- in favour of the first respondent and Rs.4,500/- in favour of the second respondent as monthly maintenance payable by the petitioner herein and allowed the petition. Challenging the same, the present revision.

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

6.In fact, this Court by order dated 02.08.2018, directed the petitioner to deposit 70% of the entire arrears amount on or before 31.08.2018 and also directed the petitioner to deposit the monthly maintenance for a sum of Rs.5,000/- per month on or before 6th day of every English Calendar month. However, the petitioner failed to comply with the same.



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To

The Family Court,
Dindigul.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
Crl.R.C(MD)No.380 of 2018

11.04.2023