



Crl.R.C(MD)No.476 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.476 of 2018
and
Crl.M.P(MD)No.6534 of 2018**

Sheik Abhullah ... Petitioner/Respondent

Vs.

Sahera Banu ... Respondent/Petitioner

PRAYER: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records pertaining to the order passed by the Family Court, Tirunelveli in M.C.No.29 of 2017, dated 13.02.2018 and set aside the same by allowing the Criminal Revision Petition.

For Petitioner : Mr.R.Aravindan

For Respondent : Mr.R.Aravind Raj



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ORDER

The revision has been filed as against the order of maintenance in M.C.No.29 of 2017, dated 13.02.2018, on the file of the Family Court, Tirunelveli, thereby ordering monthly maintenance of Rs.3,500/- in favour of the respondent.

2.The respondent got married the petitioner on 17.01.2013. During the marriage, the petitioner was employed at abroad, and he was drawing salary a sum of Rs.80,000/- per month. Thereafter, the petitioner harassed her to the core, demanding more dowry. He also went abroad and thereafter, the respondent was driven out from the matrimonial home. Since the respondent could not able to maintain herself, she filed a petition for maintenance in M.C.No.29 of 2017 on the file of the Family Court, Tirunelveli.

3.On the side of the respondent, she herself was examined as P.W.1 and marked Ex.P.1 to Ex.P.4 and on the side of the respondent, he himself was examined as D.W.1 and marked Ex.D.1.



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4. On perusal of the oral and documentary evidence, the trial Court partly allowed the petition ordering monthly maintenance of Rs.3,500/- in favour of the respondent payable by the petitioner. Aggrieved by the same, the present revision.

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

6. It is seen from Ex.D1/the salary slip produced by the petitioner revealed that the petitioner was drawing a sum of Rs. 7500/- per month, and he was working as a DTP operator. However, he was employed at abroad, and he was drawing more salary at the time of marriage. Only for the purpose of maintenance case, he produced the salary slip and the same was not proved in the manner known to law. Therefore, the trial Court rightly awarded maintenance of Rs.3,500/- per month in favour of the respondent payable by the petitioner. That apart, even till today, no amount has been paid by the petitioner in favour of the respondent as maintenance. Hence, this Court finds no infirmity or illegality in the



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order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed. Consequently, the connected Miscellaneous Petition is closed.

11.04.2023

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

- 1.The Family Court,
Tirunelveli.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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11.04.2023