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Crl.R.C.No.938 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.No.938 of 2024
and
Crl.M.P.No.7907 of 2024

S.Natarajan

... Petitioner

Vs.

N.Gowri

... Respondent

Prayer : Criminal Revision Case filed under Section 397 & 401 Cr.P.C, praying to call for records and to set aside the order of the Judicial Magistrate No-1 at Poonamallee in M.C.No.2 of 2019 dated 25.10.2023 and thereby dismissing the case in M.C.No.2 of 2019 on the file of the Judicial Magistrate Court-1 at Poonamallee.

For Petitioner : M/s.A.Manju

For Respondent : Mr.T.Ananthasekar

ORDER

This Criminal Revision Case is filed against the order of the learned Judicial Magistrate No.I, Poonamallee, dated 25.10.2023 made in M.C.No.2 of 2019.



2. The case of the petitioner is that, the marriage between the petitioner/husband and the respondent was solemnized on 23.01.1984 at Arulmigu Sri Srinivasa Perumal Koil, Seethananajeri Village, Kancheepuram District as per Hindu rites and customs and out of the said wedlock two children were born. They attained majority and got married. Thereafter, it is alleged that the petitioner failed to take care of the respondent, thereby she had filed a maintenance case u/s 125 of Cr.P.C. in M.C.No.2 of 2019 on the file of learned Judicial Magistrate No.I, Poonamallee claiming maintenance amount of Rs.30,000/-, in which, the respondent also filed a petition in C.M.P.No.1058 of 2019 and after adjudication, the Trial Court awarded a sum of Rs.7,000/- p.m. as interim maintenance to the respondent/wife. Challenging the same, the petitioner had filed Criminal Revision Petition No.7 of 2020 before the II Additional District and Sessions Judge, Thiruvallur @ Poonamallee and the lower appellate court had passed an order dated 01.04.2022 directing the petitioner to pay a sum of Rs.5,000/- p.m. towards maintenance to the respondent. Thereafter, the trial court has passed the impugned order dated 25.10.2023 directing the petitioner to pay a sum of Rs.8,000/- p.m. as maintenance to the respondent. Aggrieved by the same, the present revision is filed by the petitioner/husband.



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3. Learned counsel appearing for the petitioner submitted that, the petitioner is receiving a sum of Rs.10,000/- as pension, out of which, he has to take care of his medical expenditure and other expenses. Therefore, directing the petitioner to pay a sum of Rs.7,000/- p.m. towards maintenance to the respondent is not sustainable. Accordingly, he prays for appropriate orders.

4. Learned counsel appearing for the respondent, on instructions, submitted that this court may fix a sum of Rs.5,000/- as monthly maintenance and direct the petitioner to pay the entire arrears of maintenance to the petitioner within a reasonable time that may be fixed by this court. Learned counsel for the petitioner has no objection for fixing the monthly maintenance at Rs.5,000/-.

5. Further, the learned counsel for the petitioner has submitted that the petitioner has drawn a Demand Draft bearing D.D.No.941640 dated 16.07.2024 to the tune of Rs.50,000/-, which was received by the learned counsel for the respondent today.



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6. In view of the consent expressed by the learned counsel appearing for the parties, this Court is inclined to pass the following orders :-

(i) the petitioner is directed to pay the arrears of maintenance at the rate of Rs.5,000/- per month, less the amount, if any already paid, to the respondent, within a period of four (4) weeks from the date of receipt of a copy of this order ;

(ii) the petitioner is also directed to continue to pay the monthly maintenance to the respondent on or before the 5th day of every English Calendar month.

7. With the above directions, the Criminal Revision Case is disposed of. Consequently, the connected criminal miscellaneous petition is closed.

18.07.2024

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

The Judicial Magistrate No.I, Poonamallee.



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M.DHANDAPANI, J.

sp

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