



WEB COPY



CrI.R.C.No.606 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**CrI.R.C.No.606 of 2022
And
CrI.M.P.No.6376 of 2022**

M.Kalesha

... Petitioner

Vs.

1.B.Sahira Banu
2.Minor.K.Reshma Banu
3.Minor.K.Afrin Banu

(Minors represented by their
Mother and Natural Guardian
Mrs.B.Sahira Banu)

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, seeking to set aside the order dated 26.02.2021 passed in M.C.No.09 of 2020 on the file of the learned Judicial Magistrate, Thiruvottiyur.

For Petitioner : M/s.M.Murali
For Respondents : Mr.H.Maruthiraj

O R D E R

The criminal revision case has been filed seeking to set aside the order dated 26.02.2021 passed in M.C.No.09 of 2020 by the learned

1/4



CrI.R.C.No.606 of 2022

Judicial Magistrate, Thiruvottiyur.

WEB COPY

2.The case of the petitioner is that the petitioner is the husband and the first respondent is the wife and the respondents 2 and 3 are their children. The marriage between the petitioner and the first respondent was solemnized on 24.04.2000. There was a matrimonial dispute between them and the respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.09 of 2020 before the learned Judicial Magistrate, Thiruvottiyur claiming a sum of Rs.15,000/- as monthly maintenance. The Court below passed an exparte order directing the petitioner to pay a sum of Rs.15,000/- as monthly maintenance from the date of filing of the petition i.e., 02.12.2020. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner submitted that the Court below passed an exparte order without giving opportunity to the petitioner and without proper adjudication. Hence, this Court may set aside the impugned order and issue direction to the Court below to adjudicate the matter afresh and to pass orders after giving opportunity to the petitioner as well as the respondents.



CrI.R.C.No.606 of 2022

4.The learned counsel appearing for the respondents vehemently contended that due to the matrimonial dispute, the first respondent filed Kula notice before the Tamil Nadu Dawheeth Jamath in the year 2017 for dissolution of marriage and the Tamil Nadu Dawheeth Jamath executed Kula Agreement on 02.11.2017 and at that time the petitioner agreed to pay monthly maintenance of Rs.2,000/-. Even that amount was not paid. Thereby the respondents filed M.C.No.09 of 2020 before the Court below. The learned counsel further submitted that the intention of the petitioner is to drag on the proceedings and further submitted that in the event of allowing the revision, this Court may impose cost on the petitioner.

5.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

6.The facts of the case and the relationship between the parties is not disputed. Considering the submissions made on either side, this Court directs the petitioner to pay a sum of Rs.50,000/- to the first respondent by way of demand draft drawn in favour of the first respondent, within a period of two weeks from the date of receipt of a copy of this order and file proof for the same before the Court below.



CrI.R.C.No.606 of 2022

M.DHANDAPANI,J.
pri

On filing of such proof, the Court below shall restore the maintenance case in M.C.No.09 of 2020 on its file and shall hear the petitioner and the respondents and dispose of the same, within a period of three months from the date of restoration of the maintenance case.

7.This revision is allowed on the above terms. Consequently, the connected miscellaneous petition is also closed.

04.04.2024

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Judicial Magistrate, Thiruvottiyur.

CrI.R.C.No.606 of 2022
And
CrI.M.P.No.6376 of 2022

04.04.2024