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Crl.R.C.No.1072 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.1072 of 2024
and Crl.M.P.No.9088 of 2024**

A.Madhu @ Loganathan

... Petitioner

Vs.

V.Jeevitha

... Respondent

PRAYER : Criminal Revision Case filed under Section 397 r/w. 401 r/w. 482 of the code of Criminal Procedure, to set aside the order passed in M.C.No.174 of 2017 on the file of the IV Additional Family Court, Chennai.

For Petitioner : Mr.V.G.Anbarasu

For Respondent : Mr.G.Magesh Kumar

ORDER

The Criminal Revision Case is filed against the order passed in M.C.No.174 of 2017 by the IV Additional Family Court, Chennai, vide common order dated 28.12.2023.



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2. The case of the petitioner is that the marriage between the petitioner and the respondent was solemnized in the year 2011 and subsequently, there was a matrimonial dispute between them. Thereafter, the respondent filed a maintenance case in M.C.No.174 of 2017 claiming Rs.25,000/- per month and filed a petition in O.P.No.1072 of 2017 for restitution of conjugal rights. The petitioner has also filed a petition in O.P.No.1072 of 2018 seeking divorce on the ground of cruelty and the trial Court, vide common order dated 28.12.2023, has granted a decree for restitution of conjugal rights to the respondent and directed the petitioner to pay a sum of Rs.25,000/- per month from the date of filing of the petition in the maintenance case and dismissed the petition filed by the petitioner seeking divorce. Challenging the maintenance amount awarded in favour of the respondent, the present petition has been filed.

3. The learned counsel appearing for the respondent submits that the petitioner is running a shop and is doing various business and earning



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more than Rs.1 Lakh. The respondent is residing in Chennai, whereas, the petitioner is residing in Thirukazhukundram. The respondent has filed DVC case in D.V.C.No.22 of 2017, in which, the petitioner is paying only a sum of Rs.5,000/- and therefore, the trial Court directed the petitioner to pay a sum of Rs.25,000/- as monthly maintenance in the maintenance case, after considering the financial position of the petitioner, which is sustainable one.

4. Per contra, the learned counsel appearing for the petitioner submits that the father and mother of the petitioner died due to harassment made by the respondent, however, the petitioner is ready to pay a sum of Rs.20,000/- per month to the respondent, since he is also paying a sum of Rs.5,000/- to the respondent in the DVC proceedings initiated by the respondent and therefore, this Court may reduce the monthly maintenance fixed by the trial Court from Rs.25,000/- to Rs.20,000/-.

5. The learned counsel appearing for the respondent has no serious objection to the submission made by the learned counsel appearing for the



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petitioner, if the petitioner is ready to pay a sum of Rs.20,000/- per month to the respondent.

6. In view of the consent view expressed by the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents, this Court is inclined to modify the common order dated 28.12.2023 insofar as the maintenance amount awarded in M.C.No.174 of 2017 by the IV Additional Family Court, Chennai, on the following directions:

(i) the petitioner is directed to pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) per month to the respondent on or before 7th of every succeeding English Calender month.

(ii) the petitioner is directed to deposit the entire arrears amount at the rate of Rs.20,000/- (Rupees Twenty Thousand only) from the date of filing the maintenance case till the date of deposit, less the amount if any already deposited, within a period of six weeks from the date of receipt of a copy of this order.



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(iii) in all other aspects, the order of the trial Court shall remain unaltered.

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

26.06.2024

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

To
The IV Additional Family Court, Chennai.



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M.DHANDAPANI, J.

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