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CrI.R.C.No.972 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.972 of 2023

V.Alamelu

... Petitioner

Vs.

1.M.Venkatesan
2.V.Vignesh
3.V.Sivamurugan

... Respondents

Prayer:

Criminal Revision Case filed under Section 400 read with Section 397 of Criminal Procedure Code, seeking to enhance the maintenance sum granted by the learned Judicial Magistrate, Thirivottiyur in M.C.No.8 of 2021 dated 21.03.2023, from Rs.15,000/- to that of Rs.45,000/-.

For Petitioner : Mr.R.Selvakumar
For Respondents : No Appearance

O R D E R

The criminal revision case has been filed seeking to enhance the maintenance sum granted by the learned Judicial Magistrate, Thiruvottiyur in M.C.No.8 of 2021 dated 21.03.2023, from Rs.15,000/- to that of Rs.45,000/-.

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2.The case of the petitioner is that the petitioner is the wife and the first respondent is the husband. Their marriage was solemnized on 28.01.2000 and out of their wedlock, three male children were born to them including the respondents 2 and 3. Thereafter there was a matrimonial dispute between them and the petitioner and respondents 2 and 3 filed maintenance case under Section 125 of Cr.P.C. in M.C.No.8 of 2021 before the learned Judicial Magistrate, Thiruvottiyur claiming a sum of Rs.45,000/- per month as maintenance and the Court below partly allowed the said petition and directed the first respondent to pay a sum of Rs.15,000/- per month to the petitioner towards maintenance from the date of filing of the petition and to pay the entire arrears within a period of three months and further directed the first respondent to pay a sum of Rs.20,000/- per year to the petitioner towards educational expenses of the second respondent till he completes his education and to pay a sum of Rs.90,000/- to the petitioner towards the educational expenses of the third respondent. Seeking enhancement of the amount awarded towards monthly maintenance, the present revision has been filed.

3.The learned counsel appearing for the petitioner submitted



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that this Court, without interfering with the impugned order, may grant liberty to the petitioner to file petition under Section 127 of Cr.P.C. for enhancement of the monthly maintenance by producing assets and liabilities and salary slip before the Court below.

4.In view of the above, this Court, without interfering with the impugned order, permit the petitioner to file petition under Section 127 of Cr.P.C. for enhancement of the monthly maintenance. This Court directs the first respondent to deposit the entire arrears amount to the credit of M.C.No.8 of 2021 before the learned Judicial Magistrate, Thiruvottiyur, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this order.

5.This revision is accordingly disposed of.

10.04.2024

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

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M.DHANDAPANI,J.
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To

1.The Judicial Magistrate,
Thirivottiyur.

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10.04.2024