



Crl.R.C.Nos.1649 and 1764 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.Nos.1649 and 1764 of 2023

and

Crl.M.P.No.16722 of 2023

- | | |
|----------------|--|
| 1. M.Jayanthi | ... Petitioner in Crl.RC.No.1649 of 2023 |
| 2. P.Mohan Raj | ... Petitioner in Crl.RC.No.1764 of 2023 |

Vs.

- | | |
|----------------|---|
| 1. P.Mohan Raj | .. Respondent in Crl.RC.No.1649 of 2023 |
| 2. M.Jayanthi | .. Respondent in Crl.RC.No.1764 of 2023 |

Prayer in Crl.RC.No.1649 of 2023: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C, praying to call for records and enhance the maintenance awarded in the fair common order in MC.No.171 of 2012 passed by the learned I Additional Family Court, Chennai dated 13.06.2023.

Prayer in Crl.RC.No.1764 of 2023: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C, praying to call for records and to set aside the order passed by the I Additional Family Court, Chennai in MC.No.171 of 2012 dated 13.06.2023

Crl.RC.No.1649 of 2023:



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For Petitioner : Ms.V.Chethana for
M/s.B.Poongkhulali

For Respondent : Mr.J.Pothiraj

Crl.RC.No.1649 of 2023:

For Petitioner : Mr.J.Pothiraj

For Respondent : M/s.B.Poongkhulali

COMMON ORDER

Since the issue involved in the present civil revision cases are one and the same they are disposed of by way of this common order.

2. The case of the petitioners is that, the petitioners in respective petitions are husband and wife and their marriage was solemnized on 17.01.1983. From and out of the said wedlock, two children were born. Due to a matrimonial dispute, the petitioner in Crl.R.C.No.1649 of 2023 namely Jayanthi filed a petition in O.P.No.1101 of 2002 seeking divorce on the ground of adultery, wherein the said petition was disposed of on the ground that the parties had arrived at a settlement (reunion). It is alleged that the husband of the petitioner in Crl.R.C.No.1649 of 2023 namely Mohan Raj contracted second marriage with one M.Meenakshi. Whiles, said Jayanthi filed a maintenance case under Section 125 of Cr.P.C. in



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M.C.No.171 of 2012 on the file of First Additional Family Court, Chennai claiming maintenance and also filed a petition in O.P.No.3680 of 2011 for restoration of conjugal rights. Thereafter, the husband filed a petition in O.P.No.3664 of 2012 seeking dissolution of the marriage held between them. After adjudication, the Trial Court passed a common award dated 13.06.2023 by dismissing the petition filed by the husband and partly allowed the petition filed by the wife in M.C.No.171 of 2012 and awarded a sum of Rs.1 lakh per month to the petitioner in Crl.R.C.No.1649 of 2023. Aggrieved by the same, the petitioners in respective petitions have filed the present revision cases seeking enhancement and quashment of the order passed by the Court below.

3. The learned counsel appearing for the husband namely Mohan Raj submitted that, though the outstanding amount is around a sum of Rs.55,00,000/- however, the said Mohan Raj is the husband is ready to deposit a sum of Rs.40,00,000/- within the time frame that may be stipulated by this Court. He further submits that, if this Court modifies the maintenance amount to a sum of Rs.90,000/- per month, the petitioner in Crl.R.C.No.1764 of 2023 is ready to pay the maintenance amount to the



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respondent in Crl.R.C.No.1764 of 2023 on or before the 7th day of every English Calendar month. Accordingly, he prays for appropriate orders.

4. The learned counsel appearing for the wife / Jayanthi submits that if the husband of said Jayanthi failed to deposit the arrears amount, liberty may be granted to her to file an appropriate application in the manner known to law.

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

6. In view of the consent expressed by the learned counsel for the parties, this Court modifies the maintenance amount as follows :-

(i) the petitioner in Crl.R.C.No.1764 of 2023 is directed to pay the arrears of maintenance amount by way of demand draft at the rate of Rs.40,00,000/- in the name of the respondent in Crl.R.C.No.1764 of 2023 and produce the same before the I Additional Family Court, Chennai within a period of within a period of six weeks from the date of receipt of a copy of this order ;

(ii) the petitioner in Crl.R.C.No.1764 of 2023 is also



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directed to continue to pay the maintenance amount at the rate of Rs.90,000/- per month to the respondent in Crl.R.C.No.1764 of 2023 on or before the 7th day of every English Calendar month.

(iii) Failing payment of the arrears of the maintenance amount, liberty is granted to the wife namely Jayanthi to file appropriate application before this Court in accordance with law.

(iv) It is made clear that the present order is subject to the outcome of appeals pending before this Court in C.M.A.Nos.2082 and 2084 of 2023 filed by the respective petitioners as against the O.P.Nos.3680 of 2011 and 3664 of 2012. Pursuant to the disposal of the said appeals, liberty is granted to the said Mohan Raj to work out the remedy in the manner known to law.

7. With the above terms, the Criminal Revision Cases are disposed of. No costs. Consequently, the connected criminal miscellaneous petition is closed.

08.04.2024

Index : Yes / No
NCC : Yes / No
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M.DHANDAPANI, J.

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To
I Additional Family Court, Chennai

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