



Crl.O.P.(MD)No.21237 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.21237 of 2022
and Crl.M.P(MD).No.14849 of 2022

Kamalraj

... Petitioner

Vs.

Suganya

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the impugned order passed in Crl.R.P.No.13 of 2021 dated 20.11.2021 by the learned Principal District and Sessions Judge, Ramanathapuram.

For petitioner

: Mr.R.Anand

for Mr.K.Rajeshwaran

For Respondent

: Mr.A.Sheik Abdulla

for M/s.Ajmal Associates

ORDER

This Criminal Original Petition has been filed to set aside the impugned order passed in Crl.R.P.No.13 of 2021 dated 20.11.2021 by the learned Principal District and Sessions Judge, Ramanathapuram.



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2. The learned counsel appearing for the petitioner submits that the petitioner is the husband of the respondent and the marriage between them was solemnized in the year 2012 and out of wedlock, there are no issues. There was a matrimonial dispute between them and the respondent left the matrimonial home. Hence, the petitioner has filed a petition for restitution of conjugal rights in H.M.O.P.No.883 of 2017 before the Family Court, Madurai. As a counter blast, the respondent has filed the maintenance case in M.C.No.3 of 2018 before the trial Court, however, the trial Court, without considering the factual aspects, allowed the petition and directed the petitioner to pay a sum of Rs.20,000/- per month as monthly maintenance to the respondent. Aggrieved over the same, the petitioner has preferred a revision in Crl.R.P.No.10 of 2010 before the Appellate Court and the respondent has preferred a revision in Crl.R.P.No.13 of 2021. The Appellate Court erroneously dismissed the petition filed by the petitioner and allowed the petition filed by the respondent by enhancing the monthly maintenance from Rs.20,000/- to Rs.40,000/- per month, without considering the financial position of the petitioner. Hence, the petitioner has filed this Petition seeking to set aside the order passed by the Appellate Court.



3. The learned counsel appearing for the respondent submits that the petitioner is working in abroad and he is earning more than Rs.4 Lakhs monthly, however, the trial Court has awarded only 10% of the salary which is just and reasonable. Moreover, the respondent has no house and she has to find out the rental house and she is unemployed and she has to take care of her.

4. At this juncture, the learned counsel appearing for the petitioner, on instructions, submits that the petitioner will come to India in the month of May 2024 and he will take care of the defacto complainant.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6. After considering the financial position of the petitioner and considering the fact that the respondent is homeless and unemployed and she has to take care of her, the learned Principal District and Sessions Judge, Ramanathapuram, has enhanced the monthly maintenance of Rs.40,000/- from Rs.20,000/-. Therefore, this Court is not inclined to interfere with the order passed by the learned Principal District and Sessions Judge, Ramanathapuram, in Crl.R.P.No.13 of 2021 dated



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20.11.2021. The petitioner is directed to pay a sum of Rs.20,000/- from the date of petition filed by the respondent till the date of order passed by the learned Principal District and Sessions Judge, Ramanathapuram, and thereafter, continue to pay the enhanced amount of Rs.40,000/- including the arrears if any from the date of petition filed by the respondent in Crl.R.P.No.13 of 2021.

7. Accordingly, this Criminal Original Petition is dismissed.

Connected miscellaneous petition is closed.

27.03.2024

Index : Yes/No
Internet : Yes/No
ssb

To

The learned Principal District and Sessions Judge, Ramanathapuram.



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M.DHANDAPANI. J.

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