



Crl.R.C.(MD).No.526 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.06.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD). No.526 of 2024
and
Crl.M.P.(MD).No.5528 of 2024

Aaron

... Petitioner/Petitioner

Vs.

Jeroba

... Respondent/Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records and set aside the order dated 15.07.2020 made in M.C.No.11 of 2018 on the file of the District Munsif Cum Judicial Magistrate, Rameshwaram, Ramanathapuram District forthwith.

For Petitioner : Mr.J.Sankarapandian

For Respondent : Mrs.J.Madhu
for Mr.D.Packiaraj



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ORDER

The Criminal Revision Case has been filed to set aside the order dated 15.07.2020 made in M.C.No.11 of 2018 on the file of the District Munsif Cum Judicial Magistrate, Rameshwaram, Ramanathapuram District forthwith.

2.The petitioner is the husband of the respondent. The respondent herein filed a maintenance case in M.C.No.11 of 2018, before the District Munsif Cum Judicial Magistrate, Rameshwaram, Ramanathapuram District, claiming maintenance. It is averred in the petition that she entered into marriage with the petitioner on 23.09.2011. Thereafter, due to some dispute, they are living separately. The respondent is unable to maintain herself. Therefore, she has filed an application claiming maintenance for her. Even though, summons was served, the petitioner herein did not appear before the trial Court. Hence, the trial Court passed an ex-parte maintenance order, directing the petitioner to pay a sum of Rs.10,000/- (Rupees Ten Thousand Rupees only) per month as monthly maintenance from the date of the order. Subsequently, the petitioner filed a petition in Cr.M.P.No.1020 of 2020 to set aside the said ex-parte order and the same was not listed. Hence, the present revision is filed.



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3.The facts of the case is that according to the petitioner, even though the respondent had claimed that the petitioner is earning a sum of Rs.80,000/- as monthly salary, she had not produced any document to prove the income of the petitioner.

4.When the matter is taken up for hearing today (ie., 06.06.2024), by consent of both parties, this Revision Petition is taken up for final disposal at the admission stage itself. According to the petitioner, under Section 125(4) of Cr.P.C., the wife is not entitled to get maintenance, and the issue is to be adjudicated before the Court, by giving adequate opportunity to the petitioner. Hence, this Court is inclined to set aside the exparte order passed by the Court below with the following directions:

- 4.1. *The order passed in M.C.No.11 of 2018 dated 15.07.2020, by the learned District Munsif Cum Judicial Magistrate, Rameshwaram, Ramanathapuram District, is set aside.*
- 4.2. *The order passed The petitioner is directed to deposit a sum of Rs.1,50,000/- to the credit of M.C.No.11 of 2018 on the file of the learned District Munsif Cum Judicial Magistrate, Rameshwaram, Ramanathapuram District, within a period of four weeks from the date of receipt of a copy of this order.*



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- 4.3. *It is represented by the learned counsel appearing for the petitioner that he had already deposited a sum of Rs.50,000/- ,which is treated as part of the arrears of maintenance amount.*
- 4.4. *The respondent/wife is entitled to withdraw the said amount of Rs.2,00,000/- upon making proper application before the trial Court.*
- 4.5. *The petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the respondent as maintenance, till the disposal of the Maintenance Case.*
- 4.6. *Since the Maintenance case is of the year 2018, the learned trial Judge is directed to dispose of the same, within a period of six months from the date of receipt of a copy of this order. Further, the learned trial judge is directed to consider all the defence raised by the petitioner/husband without getting influenced by the earlier decision made in M.C.No.11 of 2018, dated 15.07.2020.*
- 4.7 *The learned counsel on either side is directed to appear before the Court below and co-operate with the trial proceedings for speedy disposal.*



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5. With the above directions, this Criminal Revision Case stands allowed.

Consequently, the connected criminal miscellaneous petition is closed.

06.06.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
vsg

To

1. The learned District Munsif Cum Judicial Magistrate,
Rameshwaram,
Ramanathapuram District
2. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

vsg

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and
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