



CrI.R.C.No.1252 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.03.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.R.C.No.1252 of 2023

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Mr.A.Tamilvanan, S/o Mr.Arumugam

.. Petitioner

Vs.

Mrs.K.Gejalakshmi, D/o Mr.Kathan

.. Respondent

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the order dated 25.05.2023 passed in M.C.No.1 of 2021 on the file of the Judicial Magistrate-II, Madurantakam.

For petitioner : Mr.G.Mahesh Kumar

For respondent : Mr.V.Rajasekar

ORDER

The revision petitioner has filed the present revision petition challenging the order, dated 25.05.2023 passed by the Judicial Magistrate-II, Madurantakam in M.C.No.1 of 2021.

2. Learned counsel for the revision petitioner/husband submitted that the petitioner is a handicapped person. The respondent/wife left the matrimonial home without any valid reason and therefore, she is not entitled to maintenance.

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The respondent has not proved the income of the petitioner. The learned Magistrate failed to consider the materials and passed the impugned order of maintenance. The petitioner is getting only disability pension and except that, there is no other income.

3. Learned counsel for the respondent-wife submitted that the revision petitioner, before marriage, admitted that he was working and earning only Rs.30,000/- and subsequently, he left the job, but now he is having a building and he has let out the same for commercial purpose and getting income. He has failed to produce the Bank Account.

4. It is seen that the revision petitioner/husband has stated that he has no means and the respondent/wife submitted that the husband is having means. However, he has not produced the affidavit of assets and liability. Therefore, the impugned order passed by the Court below is set aside and the matter is remitted back to the Judicial Magistrate-II, Madurantakam for fresh consideration. The parties are at liberty to take additional evidence and also produce the relevant documents, if any. The Court below is directed to give an opportunity of hearing to both parties and the revision petitioner/husband is directed to file fresh assets and liability statement and also produce the Bank Account statement and decide the issue on merits and in accordance with law and dispose of the case expeditiously.

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5. With the above observations and direction, this revision petition is

disposed of.

25.03.2025

CS

To

1. The Judicial Magistrate-II, Madurantakam.
2. The Section Officer, Criminal Section - Records Wing, High Court, Madras.

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