

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-07-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.822 of 2014
and
M.P. No. 1 of 2014

R. Parthiban

.. Petitioner

Versus

1. Kalavathy
2. P. Yuvaraja Mrs
3. P. Praveen Kumar Minor

Respondents 2 & 3 are represented
by their mother, the 1st Respondent

.. Respondents

Criminal Revision Case filed under Sections 397 read with Sec. 401 of Cr.P.C. against the order dated 24.06.2014 passed in F.C.M.C. No. 56 of 2014 on the file of Family Court at Vellore, Vellore District

For Petitioner : Mr. G. Jayachandran
For Respondents : Mr. Arun Anbumani

ORDER

The respondents herein have filed F.C.M.C. No. 56 of 2014 before the Court below praying for issuing appropriate direction to the revision petitioner herein to pay a sum of Rs.5,000/- per month to the first respondent/wife and Rs.20,000/- per month to the respondents 2 and 3/children for their education and maintenance expenses, totalling a sum of Rs.25,000/- per month. After contest, the court below passed an order dated 24.06.2014 directing the revision petitioner to pay Rs.4,000/- per month to the first respondent wife and Rs.5,000/- per month to each of the respondents totalling a sum of Rs.14,000/- per month as maintenance. As against the said order dated 24.06.2014, the revision petitioner has come forward with this Criminal Revision Case.

2. The learned counsel for the revision petitioner would contend that the first respondent/wife, without any valid reason, had deserted the revision petitioner and she has left the matrimonial home on her own accord during the year 2011. From the said date, the first respondent along with the respondents 2 and 3 are residing in the parents house of the first respondent. It is further stated that the revision petitioner retired from the service of Army on the ground of medical invalidation inasmuch as he is suffering from Lateral Medullary Syndrome Left (Stroke in Young) since May, 2008 and he is only in receipt of pension to the tune of Rs.19,000/- per month. Further, the revision petitioner revision petitioner has to take care of his aged father and mother out of the

pension amount. In such circumstance, the learned counsel for the revision petitioner would submit that the order passed by the court below directing the revision petitioner to pay a sum of Rs.14,000/- towards maintenance is excessive and onerous.

3. Per contra, the learned counsel for the respondents would contend that the revision petitioner had sold the property stood in his name and has deposited the sale proceeds in the bank. However, it is fairly submitted that the second respondent had attained majority and therefore, out of the sum of Rs.14,000/- ordered by the Court below, the revision petitioner need not pay Rs.5,000/- to the second respondent who attained majority and he is required to pay only Rs.9,000/- i.e., Rs.4,000/- to the first respondent per month and Rs.5,000/- per month to the third respondent. It is further submitted that the third respondent has recently joined the College and for his education, definitely, the revision petitioner has to pay the sum of Rs.5,000/- awarded to him which would be fair and reasonable. At any rate, the sum of Rs.4,000/- ordered to the first respondent/wife and Rs.5,000/- to the third respondent/son cannot be said to be excessive and it is a fair and reasonable amount ordered towards their maintenance. Therefore, the learned counsel for the respondents prayed for dismissal of the Criminal Revision Case.

4. I heard the counsel for both sides and perused the materials placed on record. It is seen from the records that the second respondent, who was minor at the time of institution of the petition, has attained majority. To be specific, the second respondent born on 07.01.1997 and he attained majority on 07.01.2015. Therefore, as rightly pointed out by the learned counsel for the respondents, the revision petitioner need not pay Rs.5,000/- awarded to the second respondent. Therefore, the revision petitioner has to pay only a sum of Rs.9,000/- per month to the respondents 1 and 3, as against Rs.14,000/- ordered by the court below. This amount of Rs.9,000/- payable by the revision petitioner cannot be said to be onerous or excessive and it is reasonable when compared to the prevailing market trend and life index. Even as admitted by the revision petitioner, he is in receipt of pension of Rs.19,000/- per month. In fact, it is stated that the third respondent had joined the college recently for which the revision petitioner has to pay some amount towards his education. In such circumstance, the sum of Rs.5,000/- awarded towards his maintenance and education is fair and reasonable amount and I do not find any reason to interfere with the same.

5. It is brought to the notice of this Court that by an order dated 26.08.2014, this Court, while granting interim stay, directed the revision petitioner to deposit a sum of Rs.3,00,000/- to the credit of M.C. No. 8 of 2012 on the file of the learned Chief Judicial Magistrate, Vellore. It is represented that the order dated 26.08.2014 has been complied with by the revision petitioner, which was also recorded by this Court in the order dated 10.10.2014. In view of the dismissal of this Criminal Revision Case, the respondents are permitted to withdraw the amount deposited by the revision petitioner with accrued interest.

6. In the result, the Criminal Revision case is dismissed.

Consequently, connected miscellaneous petition is closed. The revision petitioner is directed to pay arrears amount towards maintenance at the rate of Rs.14,000/- per month from the date of petition till 06.01.2015, one day prior to the date on which the second respondent attained majority on 07.01.2015. From 07.01.2015, the revision petitioner shall pay a sum of Rs.9,000/- per month towards maintenance of the first respondent/ wife and third respondent/son. The revision petitioner shall pay the amount as mentioned above, after adjusting the sum of Rs.3,00,000/- deposited by him pursuant to the order dated 26.08.2014 passed by this Court.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. The Presiding Officer
Family Court at Vellore
Vellore District
2. The Chief Judicial Magistrate,
Vellore.
3. The assistant Registrar,
T.N.Mediation and conciliation centre,
High court,Madras.
4. The Section Officer, Criminal Sectionn,High court, Chennai -104.

+ 1 cc to Mr.ArunaAnbumani, Advocate (SR.33246)

+ 1 cc to Mr.G.Jayachandran,Advocate (SR.33192)

CA(CO)
cp 07.08.2015

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