

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.09.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 1086 of 2009 &
M.P.No.1 of 2009

M.Arivazhagan

.. Petitioner

vs.

K.Indira

.. Respondent

Criminal Revision Case filed under Section 401 of Cr.P.C. against the Order dated 13.10.2009 in M.C.No.9 of 2009 on the file of the learned Chief Judicial Magistrate Court, Vellore .

For Petitioner : Mr. S.Gunaseelan

For Respondent : Mr.K.A.Ravindran

ORDER

This revision petition is filed against the order dated 13.10.2009 passed by the Chief Judicial Magistrate Court, Vellore in M.C.No.9 of 2009, by which, the Trial Court directed the petitioner-husband to pay a sum of Rs.15,000/- towards maintenance to the respondent-wife. Aggrieved by the said order, the petitioner-husband has come forward with this Criminal Revision Petition.

2. Heard both sides.

3. The learned counsel for the petitioner did not argue on the merits of the case but only confined his argument only in respect of quantum alone. According to the learned counsel for the petitioner, the Trial Court awarded a sum of Rs.15,000/- as monthly maintenance to the respondent-wife from the date of filing of the maintenance petition, taking into consideration that the petitioner-husband is earning about Rs.50,000/- per month. The learned counsel further contended that even as per the salary certificate, the petitioner is earning only Rs.20,000/- per month. Therefore, the learned counsel would

contend that the quantum may be reduced. Further, the learned counsel also submitted that the petitioner is also willing to deposit the arrears, if time is given.

4. Learned counsel for the respondent-wife contended that the respondent-wife is totally blind and she is undergoing treatment and hence, apart from maintenance, she also need medical assistance from the petitioner-husband to meet the medical expenses.

5. Taking into consideration that the petitioner is earning a sum of Rs.50,000/- per month, the Trial Court has awarded a sum of Rs.15,000/- as maintenance to the respondent-wife whereas, as per the salary certificate, the petitioner is earning only Rs.20,000/- Hence, it is suffice to state that Rs.10,000/- would be reasonable quantum regarding payment of maintenance.

6. Accordingly, the amount of monthly maintenance to the respondent-wife is reduced to Rs.10,000/ and the said amount will be paid to the respondent-wife from the date of petition i.e., 9.2.2009, which according to the respondent-wife is in arrears till date. Further, the petitioner-husband is also directed to pay a sum of Rs.1,00,000/- to the respondent-wife as medical expenses. According to the respondent-wife, so far, she has received only Rs.60,000/- only from the petitioner-husband. In view of the above, the petitioner-husband is directed to pay the 50% of the balance arrears, within a period of four weeks from the date of receipt of a copy of this order and another 50% of the balance arrears within a period of four weeks thereafter and in default, the respondent-wife is at liberty to take necessary action against the petitioner-husband. The petitioner is also further directed to pay the monthly maintenance of Rs.10,000/- on or before 5th of every succeeding month.

With the above modifications, the Criminal Revision Case is partly allowed. Consequently, the connected miscellaneous petition is closed.

sd/

ASSISTANT REGISTRAR (CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

Rj

To

The Chief Judicial Magistrate Court,
Vellore

+1 CC to MR.S.Gunaseelan ADVOCATE. SR.NO. 52424
+1 CC to MR. K.A.Ravindran ADVOCATE. SR.NO. 52744

Crl RC No. 1086 of 2009 &
M.P.No.1 of 2009

CO-KU
JD 27/10/2015



WEB COPY