

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-08-2015

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.317 of 2009
and M.P.No.1 of 2009

Panjalingam

.. Petitioner

Vs.

Chitra

.. Respondent

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the order, dated 11.02.2009 made in C.M.P.No.5543 of 2007 on the file of the Judicial Magistrate No.1, Pollachi.

For Petitioner : Mr.S.Vadivel Murugan

For Respondent : No appearance

ORDER

This Criminal Revision Case is filed by the petitioner/husband questioning the correctness of the enhancement of the maintenance from Rs.300/- to Rs.1000/- made in C.M.P.No.5543 of 2007 on the file of the Judicial Magistrate No.1, Pollachi, dated 11.02.2009. By the said order, the Court below allowed the petition filed by the wife by enhancing the maintenance amount ordered in M.C.No.9 of 2000, dated 15.03.2002, and directing the husband to pay maintenance at the rate of Rs.1,000/- per month to the wife from the date of petition and the husband is further directed to continue to pay the maintenance of Rs.1,000/- on or before 5th of every English Calendar month.

2. Mr.S.Vadivel Murugan, learned counsel appearing for the petitioner vehemently contended that the petitioner is only employed as a Village Panchayat Assistant. He would further point out that at the time of filing the petition by the wife, the petitioner was hardly earning Rs.4,000/- and he has to maintain his aged parents and further, all along, he is taking care of his daughter's education, therefore, he would contend that the enhancement made by the Family Court is on the higher side.

3. Though, notice was served on the respondent/wife, the respondent/wife has neither chosen to appear in person nor represented through any counsel. Hence, I have heard the learned counsel appearing for the petitioner and I am inclined to pass the following order.

4. On a careful perusal of the impugned order passed by the Family Court, it is seen that the Family Court has taken into consideration the various aspects especially that the husband was a Government Servant and he continues to get all the benefits. At the time of passing the impugned order, viz., 2009, taking into consideration of the fact that Rs.300/- per month is a very low amount, the maintenance was rightly enhanced from Rs.300/- to Rs.1000/- per month, which is hardly Rs.30/- per day and in the present scenario, Rs.300/- per month is nothing and the petitioner being a Government Servant now his basic salary will be more than Rs.10,000/- per month. Unfortunately, the respondent/wife has not chosen to neither appear in person nor represent through any counsel and therefore, the impugned order passed by the Family Court, dated 11.02.2009, is confirmed and this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

5. At this juncture, the learned counsel for the petitioner/husband seeks to grant some time to pay arrears and hence, the petitioner/husband is directed to pay the arrears of maintenance at the rate of Rs.1,000/- per month from the date of petition till date within a period of three months from the date of receipt of a copy of this order and the petitioner/husband is further directed to continue to pay the maintenance of Rs.1,000/- per month on or before 5th of every succeeding English Calendar month.

-s/d-

Assistant Registrar(CIII)

dt:16/09/2015

True Copy

Sub-Assistant Registrar

paa

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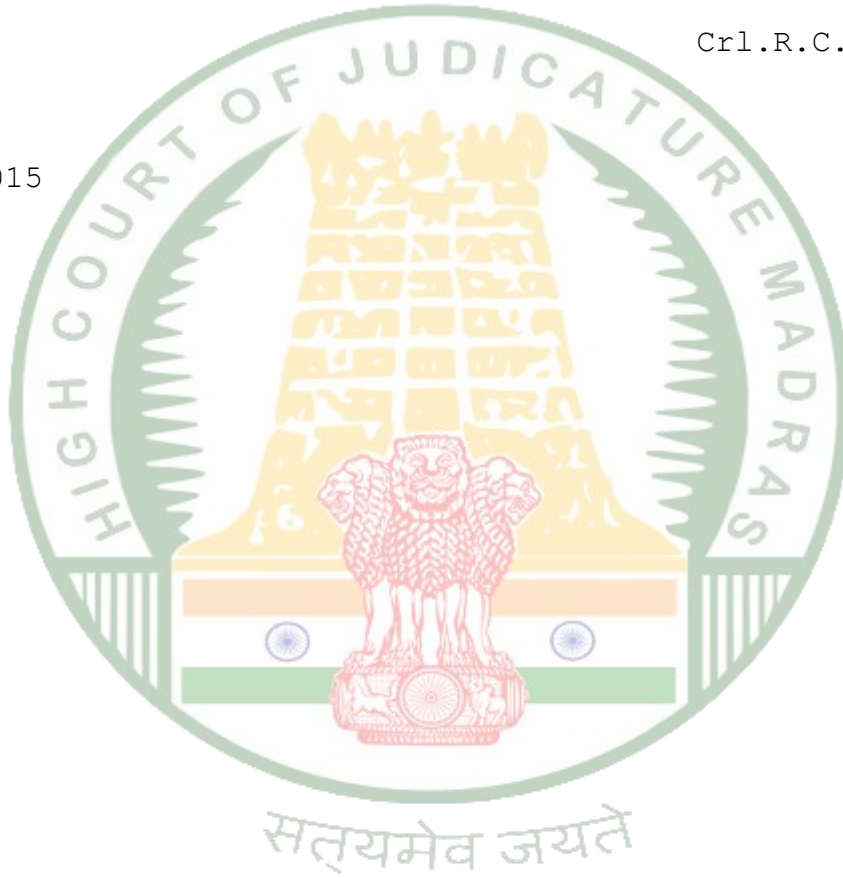
To

1.The Judicial Magistrate No.1,
Pollachi.

2.-do-Thro The Chief Judicial Magistrate
Coimbatore.

Crl.R.C. No. 317 of 2009

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