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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.48 of 2009

K.Mahalakshmi

.. Petitioner

vs

S.Vignesh Kumar

.. Respondent

Criminal Revision case filed under Sections 397 and 401 of Cr.P.C. against the order dated 25.11.2008 passed by the learned I Additional Judge, Family Court, Chennai in M.C.No.303 of 2008.

For Petitioner : Mrs.S.Bhuvana
for Mr.K.Mohanamurali

For Respondent : No appearance

ORDER

The petitioner herein filed a petition under Section 125 of the Criminal Procedure Code claiming maintenance from the respondent in a sum of Rs.20,000/- per month. The learned I Additional Judge, Family Court, Chennai ordered the said petition by awarding a sum of Rs.2,000/- per month payable by the respondent/husband to the petitioner/wife vide order dated 25.11.2008 in M.C.No.303 of 2008. Challenging the same, the present revision is filed seeking enhancement of the maintenance awarded.

2. The only ground raised by the petitioner in this revision is that when the respondent/husband is earning more than Rs.40,000/- per month, the Court below without taking into consideration the same, had ordered only a meagre amount of Rs.2,000/- per month. She would further submit that she is not employed anywhere and hence in the present day cost of living, she cannot even live peacefully with the said sum. Accordingly, she would pray for enhancement of the maintenance ordered by the Court below.

3. Though notice has been served on the respondent and his name also printed in the cause list none appeared. Since the matter is pending for the past six years, the same is taken up for disposal on merits as per the judgment of the Hon'ble Apex Court reported in (2013)3 SCC 721 [K.S.Panduranga vs. State of Karnataka].

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The petitioner is seeking enhancement of the maintenance awarded by the Court below. The marriage is not disputed. As



rightly pointed out by the Court below, though the petitioner/ wife sought for maintenance in a sum of Rs.20,000/- per month from the respondent/husband by contending that he is working as an Operation Manager at Expeditors International India Private Limited in Chennai and earning a sum of Rs.40,000/- per month, no documentary proof for the income has been produced. Even before this Court, she has not produced any document. Therefore, the Court below by holding that the respondent has to maintain his wife has ordered a sum of Rs.2,000/- per month.

6. Coming to the quantum of maintenance awarded, as contended by the petitioner, the amount of Rs.2,000/- ordered by the Court below is only a meagre amount in the present day cost of living index. Hence, the same has to be enhanced. It is also submitted that till date no amount has been paid by the respondent/husband. In view of the same, the following order is passed:

(i) The maintenance awarded by the Court below in a sum of Rs.2,000/- per month is enhanced to Rs.4,000/- p.m [Rupees four thousand only] from August 2015.

(ii) The respondent/husband shall pay the arrears of maintenance from the date of the petition till July 2015 at the rate of Rs.2,000/- per month as ordered by the Court below within a period of three months from the date of receipt of a copy of this order.

(iii) It is further ordered that the respondent/husband shall pay the sum of Rs.4,000/- per month from August 2015 payable from September 2015 on or before 5th of every succeeding English calendar month.

7. With the above direction, this Criminal Revision Case is allowed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The I Additional Judge,
Family Court, Chennai.

+1cc to Mr.K.Mohanamurali,Advocate(sr.43964)

Crl.RC.No.48 of 2009

mg(co)
cp 23/09/2015