

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-06-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 877 of 2013
and M.P.No.1 of 2013

T.S.Saravanan

.. Petitioner

Versus

1.Minor Vaishali
2.Minor Oushika
3.N.Thangamani

... Respondents

(Minor respondents 1 and 2
are represented by the
third respondent mother)

Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. against the order dated 28.01.2013 passed in M.C. No. 7 of 2011 on the file of the learned Judicial Magistrate No.II, Mettur.

For Petitioner : Mr.P.Udhayashankar

For Respondents : Mr.K.Kannan

ORDER

The respondents herein, who are the minor two daughters and wife respectively filed M.C.No.7 of 2011 on the file of the Judicial Magistrate No.II, Mettur, claiming maintenance of a sum of Rs.2,000/- per month for the first respondent; Rs.1,500/- per month for the second respondent, Rs.3,000/- per month for the third respondent; and a sum of Rs.1,500/- per month towards the house rent, thus, totally a sum of Rs.8,000/- per month. In the Maintenance Case, the learned Magistrate, has passed an order on 28.01.2013, directing the petitioner/husband to pay a sum of Rs.1000/- per month to each minor children i.e., respondents 1 and 2 herein and Rs.1500/- per month to the third respondent/wife towards maintenance. Aggrieved against the said order, this Criminal Revision Case is filed by the husband.

2. Mr.P.Udhayashankar, learned counsel appearing for the petitioner would submit that the third respondent/wife is an earning member and she is getting income, from out of the property purchased by the petitioner.

3. Mr.K.Kannan, learned counsel appearing for the respondents would contend that the third respondent is living with two children and that she is not employed and that the Lower Court has awarded

very meagre amount as maintenance i.e., Rs.1000/- each for two children and Rs.1,500/- for wife. He would further add that the petitioner is living with another lady, for which, a complaint was given.

4. Heard both sides. By consent, the main Criminal Revision Case itself is taken up for final disposal.

5. Admittedly, the relationship between the parties as husband and wife is not denied and they are having two children; that is also not denied. Though, the petitioner is willing to maintain his two children, but, he is not willing to pay maintenance to the wife, but, the fact remains that the husband is bound to maintain his wife and it is his mandatory duty. Insofar as the maintenance awarded by the Lower Court, the petitioner agrees to pay Rs.1000/- to each children and instead of Rs.1,500/- to wife, he wants some reduction in maintenance, because, he has to take care of his ailing mother and towards her medical treatment, he has to spend some considerable amount. Taking into consideration of the fact that the third respondent/wife has not produced any document to show the income of the petitioner/husband and also the fact that the petitioner pleaded before this Court for reduction in maintenance amount, this Criminal Revision Case is partly allowed and the order passed by the Lower Court to the effect that the petitioner shall pay maintenance of Rs.1000/- per month to each respondents 1 and 2/minor children remains unaltered and the maintenance passed by the Lower Court insofar as the wife is concerned is modified to the effect that the petitioner shall pay Rs.1000/- per month, instead of Rs.1500/- per month. The petitioner is further directed to pay the respondents the maintenance of Rs.1000/- per month each from the date of the petition till date within a period of eight weeks from the date of receipt of a copy of this order. The petitioner/husband is further directed to continue to pay the respondents 1 to 3, the total maintenance of Rs.3000/- per month on or before 5th of every succeeding English Calendar month. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

paa

To

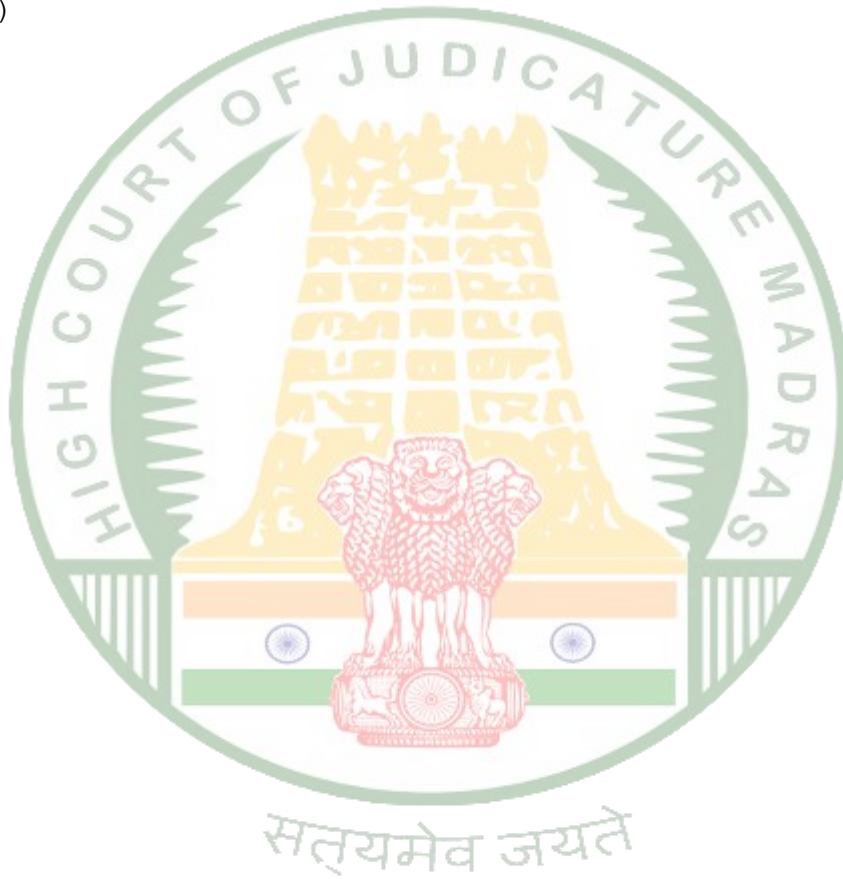
1. The Judicial Magistrate No.II,
Mettur
Salem District.

2. do thro the Chief Judicial Magistrate
Salem

1 cc to Mr.K.Kannan, Advocate, sr. 31987

Cr1.R.C. No. 877 of 2013

KSJ (CO)
kk 6/7



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