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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Crl.R.C.(MD)NO.314 of 2014

Vijaybalaji

..Revision Petitioner/Respondent

Vs.

1.Suhashini

2.Minor Sujeev Srivadsha
represented by his
mother and natural guardian
1st respondent

.. Respondents/Petitioners

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., against the order passed by the Chief Judicial Magistrate, Trichy, in M.C.No.11 of 2012 dated 03.04.2014.

For Petitioner :: Mr.M.Subash Babu

For Respondents :: Mr.R.R.Kannan

ORDER

The petitioner is the husband of the first respondent and the father of the 2nd respondent. The respondents filed M.C.No.11 of 2012 before the Chief Judicial Magistrate, Trichy, under Section 125 of the Code of Criminal Procedure claiming a sum of Rs.20,000/- to the first respondent and Rs.10,000/- to the 2nd respondent as monthly maintenance. The learned Chief Judicial Magistrate, Trichy, by order dated 03.04.2014, directed the petitioner to pay a sum of Rs.15,000/- to the first respondent and Rs.7,000/- to the 2nd respondent per month towards their maintenance. The learned Judicial Magistrate further directed the petitioner to pay cost of Rs.5,000/- towards litigation expenses. Challenging the same, the petitioner has come up with this revision petition.

2. I have heard the learned counsel for the petitioner and the learned counsel for the respondents and I have also perused the records carefully.

3. In this revision, across the Bar, the learned counsel for the petitioner advanced his arguments challenging the quantum of maintenance ordered alone. According to him, though the petitioner is working in Standard Chartered Bank and though his monthly salary



during the relevant time was Rs.74,382/-, after deductions towards loan and other statutory deductions, he was getting only a sum of Rs.5,850/- per month. The learned counsel would further submit that the loan amount due to the bank remains to be paid even now. The learned counsel would further submit that the first respondent is working in a Private Company and she herself is a B.E., graduate. Therefore, according to him, the trial Court was not right in fixing the quantum as referred to above.

4. But the learned counsel for the respondents would vehemently oppose this petition. According to him, it is in evidence that the monthly salary of the petitioner during the relevant time was Rs.74,382/- and after deductions, his home taking salary was Rs.65,710/-. He has further stated that during the year 2012, he had earned a sum of Rs.1,16,424/- towards bonus. Thus, according to him, the petitioner is sufficiently earning and therefore, the quantum of amount fixed by the trial Court does not require any interference. He would further submit that the second respondent has been admitted in a school and for educational expenses, the first respondent requires more money.

5. I have considered the above submissions.

6. The monthly salary of the petitioner from Standard Chartered Bank is not in dispute. It is true that he has received loan from the Bank and he is repaying the same. But it is not the ground to deny maintenance to the respondents. Going by the status of the family, the cost of living and all the other attending circumstances, I am of the view that the petitioner shall be made liable to pay Rs.13,000/- to the first respondent and Rs.7,000/- to the 2nd respondent per month towards maintenance from the date of petition.

7. The learned counsel for the respondents submitted that the respondents are agreeable for Rs.20,000/- per month in *toto* as detailed above as maintenance. But the learned counsel for the petitioner would submit that Rs.15,000/- as a whole per month would be reasonable. In my considered opinion, directing the petitioner to pay Rs.13,000/- to the first respondent per month and Rs.7,000/- per month to the 2nd respondent per month would meet the ends of justice.

8. In the result, this Criminal Revision Petition is allowed in part in the following terms:

(i) The petitioner is directed to pay a sum of Rs.13,000/- (Rupees thirteen thousand only) per month towards the maintenance of the first respondent from the date of petition before the trial Court;

(ii) The petitioner is directed to pay a sum of Rs.7,000/- (Rupees seven thousand only) per month to the 2nd respondent per month towards maintenance as ordered by the trial Court from the date of petition before the trial Court;



(iii) So far as the cost of Rs.5,000/- awarded by the trial Court is confirmed.

(iv) If any amount has been paid already in pursuance of the interim order passed by this Court, the same shall be duly adjusted towards the arrears.

Consequently connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (Per.Admn.)

\\True copy\\

Sub Assistant Registrar

To

1.The Chief Judicial Magistrate,
Trichy

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.Subash Babu, Advocate Sr.No.35331

+1cc to Mr.R.R.Kannan, Advocate Sr.No.35117

RR

akm/13.07.15 /3p-5c/

Cr1.R.C.(MD)NO.314 of 2014
01.07.2015