



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Cr1.R.C.(MD)No.365 of 2014

WEB COPY

Kotteswaran

..Petitioner

Vs.

1.Ellammal @ Revathi

2.Minor Durga Devi

Represented by mother

Ellammal @ Revathi

..Respondents

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to revise the order passed by the learned Judicial Magistrate, Melur in M.C.No.21 of 2012, dated 23.05.2014.

For Petitioner : Mr.S.Palanivelayutham

For Respondent : Mr.S.Saravana Kumar

ORDER

The petitioner is the husband of the first respondent and the father of the second respondent. The respondent filed M.C.No.21 of 2012 on the file of the learned Judicial Magistrate, Melur, praying for maintenance at the rate of Rs.3,000/- to the first respondent and Rs.2,000/- to the second respondent. The learned Magistrate by order dated 23.05.2014, directed the petitioner to pay Rs.2,000/- to the first respondent and Rs.1000/- to the second respondent per month towards their maintenance. Challenging the same, the petitioner is before this Court with this revision.

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

3. The learned counsel for the petitioner would submit that so far as the liability of the petitioner to pay maintenance, it is not disputed. In this revision, according to the learned counsel for the petitioner, the quantum alone is challenged. The learned counsel would further submit that the petitioner has got no avocation of his own and he has got no income and with great difficulty, by doing some agricultural work and he has to earn his livelihood and according to him, paying Rs.2,000/- to the first respondent and Rs.1,000/- to the second respondent, is highly impossible. Therefore, the learned counsel would submit that though it is difficult for the petitioner, he is prepared to pay a sum of Rs.1,000/- to the first respondent and another sum of Rs.1,000/- to the second respondent towards their maintenance. The said submission is recorded.

4. The learned counsel for the respondent would submit that from the evidence it is crystal clear that the petitioner is having milch animals and even this, he is earning huge amount.



5. But, absolutely there is no material to accept the said submission. Having regard to the financial status and capability of the petitioner and other circumstances and also the need of the respondents, I am inclined to reduce the maintenance amount from Rs.2,000/- to Rs.1,000/- to the first respondent and also I am inclined to confirm the maintenance amount of Rs.1,000/- to be paid to the second respondent.

6. In the result, this revision is allowed in part on the following terms:

(i) The order of the learned Judicial Magistrate, Melur, Madurai District, dated 23.05.2014 passed in M.C.No.21 of 2012, is modified to the effect that the petitioner shall pay a sum of Rs.1,000/- per month to the first respondent towards her maintenance instead of Rs.2,000/- as ordered by the lower Court. This amount shall be paid from the date of presentation of petition before the lower Court.

(ii) The maintenance amount of Rs.1,000/- per month, in favour of the second respondent as ordered by the lower Court is hereby confirmed. This amount shall be paid from the date of presentation of petition before the lower Court.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1 The Judicial Magistrate, Melur, Madurai District.

2 -do-thro' The Chief Judicial Magistrate, Madurai.

+1CC to M/s.S.Palani Velayutham, Advocate in SR.18605

Cr1.R.C (MD) No.365 of 2014

10.04.2015

pm

PBK 22/04/2015 ::2P-4C: