



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

CRL.RC.(MD)No.22 of 2015

and

M.P(MD)No.1 of 2015

Abuthahir S/o.Abdul Kathar : Petitioner/Respondent

Vs.

1.Muthu Rathinam @ Munifa Thaslim

2.Minor Anas Mohammed.

Minor is represented through

his mother/first petitioner. : Respondents/Petitioners

PRAYER: Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to allow the revision and set aside the order in M.C.No.99 of 2013, passed by the Family Court, Madurai, dated 08.10.2014.

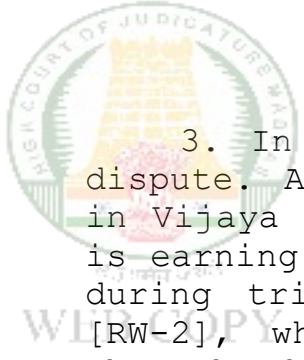
For Petitioner : Mr.C.Godwin

For Respondents : Mr.M.Maharajan

O R D E R

The petitioner herein is the respondent in M.C.No.99 of 2013, on the file Family Court, Madurai. The first respondent herein is his wife and the second respondent herein is his son. The respondent herein filed the said case claiming maintenance, under Section 125 of the Code of Criminal Procedure. Their claim was for a sum of Rs.5,000/- to the first respondent and a sum of Rs.3,000/- to the second respondent. The petitioner contested the case. By order dated 08.10.2014, the Lower Court directed the petitioner herein to pay a sum of Rs.3,000/- per month to the second respondent towards his maintenance and insofar as the first respondent is concerned, no amount was ordered to be paid as maintenance. Challenging the same, the petitioner has come up with the present Criminal Revision Case.

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



3. In this revision, the quantum of maintenance alone is in dispute. According to the respondents, the petitioner is working in Vijaya Hospital, which is a Private Hospital at Chennai and he is earning a sum of Rs.35,000/- per month towards his salary. But, during trial, the respondent has examined one Mr.Suriya Kannan [RW-2], who is an Accountant in Vijaya Hospital, Chennai and through whom, the salary certificate of the petitioner has been marked, which reveals that the petitioner is earning a sum of Rs.6,000/- per month. The Trial Court, having taken into consideration of the fact that the first respondent is also employed, has ordered the petitioner to pay a sum of Rs.3,000/- per month to the second respondent towards maintenance.

4. The learned counsel appearing for the petitioner would submit that the petitioner has got age old parents and he is residing in a rented house and he has no other income and hence, a sum of Rs.3,000/- awarded by the Trial Court is on the higher side, as it will be very difficult for him to take care of his age old parents and also very difficult for him to take care of himself also. The learned counsel would further submit that the first respondent herein is also employed.

5. The learned counsel appearing for the respondents would oppose this petition, as, according to the first respondent, going by the cost of living, as of now, it will be very difficult for her to maintain the second respondent with the meagre amount of Rs.3,000/- per month. Therefore, the quantum of maintenance ordered by the Lower Court cannot be said to be unreasonable.

6. Having regard to the totality of the circumstances, going by the status of the family, income of the petitioner, income of the first respondent and other attendant circumstances, I deem it appropriate that directing the petitioner to pay a sum of Rs.2,000/- to the second respondent alone would be the ends of justice. The first respondent has to educate the second respondent, medical care has to be given and other expenses towards the second respondent are to be met with.

7. In the result, the present Criminal Revision Case is allowed in part and the order of the learned Judicial Magistrate is modified, directing the petitioner to pay a sum of Rs.2,000/- per month to the second respondent towards his maintenance from the month of January 2014 onwards. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Per.Admn.)

/True Copy/



To

The Judge, Family Court, Madurai.

+1cc to Mr.M.Maharaja, Advocate, in SR. No.18204/15.

+1cc to Mr.C.Godwin, Advocate, in SR. No.18062/15.

ORDER MADE IN
CRL.RC.(MD)No.22 of 2015
DATED - 09.04.2015

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