



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2015

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

CRL.RC. (MD) No.23 of 2015

M.Mathi : Petitioner/Respondent

Vs.

Minor Sri Sakthi,
55/12, K.E.S.Compound,
Bungalow Street, Kovilpatti,
Through his mother,
Umadevi. : Respondent/Petitioner

PRAYER: Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records and set aside the order dated 30.06.2014 in M.C.No.1 of 2013 passed by the learned Judicial Magistrate, No.I, Kovilpatti.

For Petitioner : Mr.S.Pon Senthil Kumaran

For Respondent : Mr.S.Ramasamy

ORDER

The petitioner is the father of the respondent herein. The respondent herein is studying in a private school in 10th standard. The Lower Court in M.C.No.10 of 2007, had earlier passed an order directing the petitioner herein to pay a sum of Rs.900/- per month for the maintenance of the respondent herein, which the petitioner has been paying regularly. While so, the respondent herein filed M.C.No.1 of 2013, on the file of the learned Judicial Magistrate, No.I, Kovilpatti, for enhancement of the maintenance. The learned Judicial Magistrate by order dated 30.06.2014, directed the petitioner to pay a sum of Rs.5,000/- per month. Challenging the same, the petitioner is before this Court with the present Criminal Revision Case.

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

3. According to the petitioner, a sum of Rs.900/- per month, which was already being paid by the petitioner, is a reasonable amount and there was no need for enhancing the same. The learned



petitioner to pay a sum of Rs.5,000/- per month is exorbitant. He would also submit that the monthly income of the petitioner, after usual deductions, is only Rs.15,030/-.

4. The learned counsel appearing for the respondent would submit that the respondent is studying in 10th standard, where he has to pay school fees and considering the cost of living, a sum of Rs.5,000/- ordered by the Lower Court cannot be said to be exorbitant.

5. Having regard to the income of the petitioner, the requirement of the respondent and all other attendant circumstances, in my considered view, the direction to pay a sum of Rs.5,000/- per month is, in fact, exorbitant. Going by the status of the family and income of the petitioner, directing the petitioner to pay a sum of Rs.3,500/- per month would meet the ends of justice.

6. In the result, the Criminal Revision Case is partly allowed and the order of the learned Judicial Magistrate, No.I, Kovilpatti, is modified and it is directed that the petitioner shall pay a sum of Rs.3,500/- per month to the respondent towards his maintenance from the date of petition, viz., M.C.No.1 of 2013.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate, No.I, Kovilpatti.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

+1cc to Mr.S.Pon Senthilkumar, Advocate Sr.No.18720

+1cc to Mr.S.Ramasamy, Advocate Sr.No.18805

nb

AA/22.04.2015/2p- 6c/

ORDER MADE IN
CRL.RC.(MD)No.23 of 2015
15.04.2015