



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

CRL.RC.(MD)No.75 of 2015

and

M.P.No.1 of 2015

B.Murugadoss : Petitioner

Vs.

1.Chithra
2.Minor Priyadharshini : Respondents

PRAYER: Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records in Cr.R.P.No.30 of 2013, by the Additional District and Sessions Court, Dindigul, dated 15.12.2014, modifying the order made in M.C.No.2 of 2013, by the Chief Judicial Magistrate, Dindigul, dated 13.08.2013 and set aside the same.

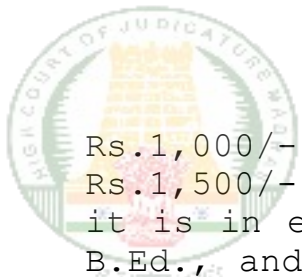
For Petitioner : Mr.D.Venkatesh
For Respondents : Mr.G.Thalaimutharasu

O R D E R

The petitioner herein is the husband of the first respondent and the father of the second respondent. The respondents filed M.C.No.2 of 2013 before the learned Chief Judicial Magistrate, Dindigul, claiming maintenance under Section 125 of the Code of Criminal Procedure. The learned Chief Judicial Magistrate, by order dated 13.08.2013, directed the petitioner to pay a sum of Rs.1,000/- per month to the first respondent and a sum of Rs.1,500/- per month to her daughter. As against the same, the respondents filed Cr.R.P.No.30 of 2013. The learned Additional District and Sessions Judge, Dindigul, by order dated 15.12.2014, allowed the said revision in part and modified the order of the Lower Court and directed the petitioner to pay a sum of Rs.3,000/- per month each to the respondents herein towards their 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. The learned counsel appearing for the petitioner would submit that as directed by the learned Chief Judicial Magistrate, Dindigul, the petitioner has been regularly paying a sum of



Rs.1,000/- per month to the first respondent and a sum of Rs.1,500/- per month to her daughter. He would further submit that it is in evidence that though the petitioner has completed B.Sc., B.Ed., and MBA, Degrees, he is unemployed and that he has got no permanent income. The learned counsel would further submit that the first respondent has got properties inherited from her family. Thus, according to the learned counsel, it is an exorbitant to direct the petitioner to pay a sum of Rs.3,000/- each to the respondents.

4. The learned counsel appearing for the respondents would submit that though the petitioner is not in any government service, he is an interpreter, doing business and conducting tuition, through which he is earning sufficient income.

5. I have considered the above submissions. Going by the evidence let in by both parties, having regard to the fact that the petitioner is an unemployed person, he has no permanent income and having regard to the fact that the first respondent has got some properties from her parents, in my considered view, it would be reasonable to direct the petitioner to pay a sum of Rs.2,000/- per month each to the respondents. As the first respondent has to give education to the second respondent, considering her future, the respondents would be at liberty to approach the learned Chief Judicial Magistrate for enhancement of the amount, if need be in future.

6. In view of all the above, this Revision is partly allowed, the order of the Lower Court is modified and the petitioner is directed to pay a sum of Rs.2,000/- [Rupees Two Thousand only] per month each to the respondents towards their maintenance from the date of petition before the learned Chief Judicial Magistrate, Dindigul. It is made clear that if any amount has already been paid to the respondents, the same shall be adjusted. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The Additional District and Sessions Court, Dindigul.

2.The Chief Judicial Magistrate, Dindigul.

3.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.D.Venkatesh, Advocate, in SR. No.20528/15.