

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1356 of 2014

and

M.P.No.1 of 2014

Gopi

S/o.Selvaraj

..Petitioner/Respondent/Respondent

vs.

1.Prema

W/o.Gopi

2.Aruna

D/o.Gopi

..Respondents/Petitioners/Compainants

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned Judge, Family Court, Puducherry, passed in Cr.M.P.No.59 of 2010 in M.C.No.19 of 1994 on 03.09.2014.

For Petitioner : Mr.V.Ajayakumar

For Respondents : Mr.S.Doraisamy

सत्यमेव जयते

O R D E R

This revision arises against the order of learned Judge, Family Court, Puducherry, passed in Cr.M.P.No.59 of 2010 in M.C.No.19 of 1994 on 03.09.2014.

2. Petitioner and first respondent are husband and wife. Second respondent is their daughter. Respondents moved M.C.No.19 of 1994 on the file of learned Judge, Family Court, Puducherry, seeking maintenance, which came to be allowed under orders dated 13.01.1995 directing the petitioner to pay a sum of Rs.500/- p.m. towards maintenance. Aggrieved over the quantum,

respondents moved Cr.M.P.No.59 of 2010 in M.C.No.19 of 1994 seeking enhancement. Court below, under orders dated 03.09.2014, enhanced the maintenance from Rs.500/- to Rs.3,000/- p.m. to each of the respondents. Challenging such order, petitioner/husband has preferred this revision.

3. Heard learned counsel for petitioner and learned counsel for respondents.

4. In directing payment of maintenance, the Court below has negated the contention of petitioner that the first respondent, as an LIC agent, is earning a reasonable amount and hence, she is not entitled to maintenance, on the reasoning that the post of LIC agent is not a permanent one and the evidence of RW-2 and RW-3 were also to the effect that the first respondent would get only an average commission of Rs.40,000/- per year. Though it was the contention of petitioner that he has to take care his aged mother and her medical expenses, Court below has rejected such contention on the reasoning that no medical bills have been produced to substantiate such contention. Further, the contention of petitioner that he has to take care of his two sons born through another lady has not been accepted by Court below. The Court below took into consideration the admission of petitioner that he is employed as Instructor in Government I.T.I. at Puducherry and earning a sum of Rs.25,000/- p.m. and considering the present rise in prices, enhanced the monthly maintenance from Rs.500/- to Rs.3,000/- to each of the respondents.

5. This Court finds no reason to interfere with the order under challenge. It is brought to notice that the second petitioner/daughter of the couple has entered upon marriage on 25.03.2012, which would make erroneous the order of the Court below dated 03.09.2014 directing the petitioner to effect payment of maintenance also to the married daughter. In the attendant circumstances, this Court is of the view that interests of justice would be met by requiring the petitioner to effect payment of a sum of Rs.3,000/- per month as maintenance to the first respondent, the same being payable from 01.04.2011 instead of from 01.04.2010 as ordered by the Court below. Petitioner is required to make good the arrears, if any, within a period of three months from the date of receipt of this order and continue to effect payment in keeping with this order on or before 5th of every month.

The Criminal Revision Case is disposed of with the above direction. Connected miscellaneous petition is closed.

gm

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

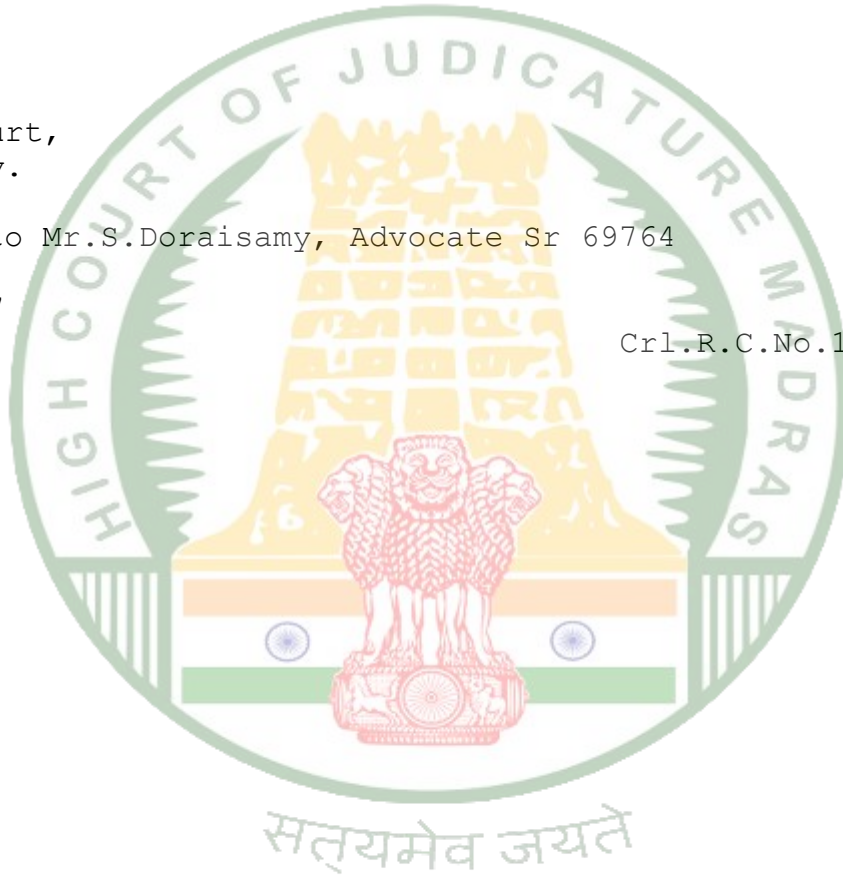
To

The Judge,
Family Court,
Puducherry.

+ 1 cc to Mr.S.Doraisamy, Advocate Sr 69764

KR/12/1/17

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