

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.1253 of 2015

P.Rajeswari Alias Rajammal

... Petitioner

vs

N.Devaraj

... Respondent

Criminal Revision filed under section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order passed in M.C.No.1 of 2011 dated 20.12.2013 by learned Family Judge, Coimbatore.

For Petitioner : Mr.B.Ramamoorthy

For Respondent : Mr.P.Saravana Sowmiyan

O R D E R

This revision arises against the judgment of learned Family Judge, Coimbatore, passed in M.C.No.1 of 2011 on 20.12.2013.

2. The revision petitioner/wife of the respondent has moved M.C.No.1 of 2011 on the file of learned Family Judge, Coimbatore seeking maintenance. The Court below, taking into account the income of the respondent, directed him to pay a sum of Rs.3,000/- p.m. as interim maintenance. Under final orders the version of the respondent that he was earning only Rs.3,000/- p.m as a security guard and also his contentions of taking care of his aged mother were taken into consideration and monthly maintenance in a sum of Rs.500/- was ordered. Aggrieved thereby, the petitioner/wife has moved the present revision.

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

4. Learned counsel for petitioner submitted that the respondent had a house of his own, the same having been built out of the sale proceeds of property belonging to the petitioner. He was deriving rental income therefrom. Even at the interim stage, the earnings of the respondent was found to be

Rs.20,000/- p.m and a sum of Rs.3,000/- was ordered as interim maintenance. However, in the final order a meagre sum of Rs.500/- p.m stands awarded as maintenance.

5. Learned counsel for respondent submitted that the sale proceeds of the property belonging to the petitioner had been given to her and the respondent has built the house on land belonging to his mother out of his own funds and was not deriving any rent. The respondent was an aged person and had been deserted by the petitioner. Learned counsel submitted that the respondent had already paid a sum of Rs.1,50,000/- as evidenced by Ex.R.1. Learned counsel for respondent submitted that order under challenge did not call for any interference.

6. Considering the facts and circumstances, this court would interfere with the order under challenge and hold that the petitioner/wife is entitled to maintenance in a sum of Rs.3,000/- per month payable on or before 5th of every succeeding month. Arrears to be calculated in keeping with this order from 01.01.2014, shall be paid within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, the criminal revision petition is disposed of. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

To
The Family Judge, Coimbatore.

+1 cc to Mr.B.Ramamoorthy, Advocate, sr.489

Cr1.R.C.No.1253 of 2015

bur co
kra 06.01.2016

WEB COPY