

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Cr1.R.C.No.251 of 2016

1. Preetha
2. Minor Narayani

.. Petitioners

Vs.

Muniappasamy

.. Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 09.12.2015 made in MC.No.30 of 2014 passed by the learned Family Court, Erode.

For Petitioner : Mr.M.Guruprasad.

For Respondents : Mr.I.C.Vasudevan.

ORDER

The Criminal revision is directed against the order passed by the learned Family Court, Erode made in MC.No.30 of 2014 dated 09.12.2015, directing the respondent to pay a sum of Rs.3,000/-p.m. to the first petitioner and Rs.4,000/- to the second petitioner, totally Rs.7,000/-.

2.The learned counsel for the petitioner would contend that without considering the fact that the respondent/husband is working as software professional and earning Rs.74,690/-p.m. the maintenance awarded by the trial Court is very low in the prevailing cost of living and prays to set aside the order of the trial Court and to allow the criminal revision.

3.The learned counsel for the respondent would contend that the trial Court after considering the entire facts and circumstances of the case and after considering the arguments of both sides awarded appropriate maintenance and there is no illegality or infirmity in the order of the trial Court and prays for dismissal of the revision petition.

4.It is admitted on the side of the respondent that he is

earning a monthly salary of Rs.74,690/-p.m. and after deduction of Rs.12,955/-p.m. his net salary is Rs.61,735/-p.m. Further, the respondent in his deposition stated that he spent some money for his mother and he also admitted that his mother is no more.

5.Considering the net salary of the respondent of Rs.61,735/-, the trial Court awarded only Rs.3,000/-p.m. + Rs.4,000/-p.m. to the first petitioner and second petitioner. This Court is inclined to enhance the maintenance awarded by the trial Court to Rs.6,000/-p.m. to the first petitioner and Rs.8,000/- to the second petitioner and direct the respondent/husband to pay the maintenance as stated above.

6.In the result, the criminal revision is allowed by enhancing the maintenance to the extent of Rs.6,000/-p.m. to the first petitioner and Rs.8,000/-p.m. to the second petitioner respectively (totally Rs.14,000/-p.m.), in other respects the order of the trial Court stands unaltered and order dated 09.12.2015 made in MC.No.30 of 2014 on the file of the Family Court, Erode is hereby set aside.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

tsh

To
The Family Court, Erode.

1 cc to MR.I.C.Vasudevan, Advocate, sr.51686
1 cc to Mr.M.Guruprasad, Advocate, sr.51549

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kra 28.09.2016

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