

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

CrI.R.C.No.786 of 2016

and

CrI.MP.No.5845 of 2016

Saravanan

.. Petitioner

Vs.

1.Thangamani

2.Minor Sukindren

.. Respondents

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order passed by the Chief Judicial Magistrate, Namakkal in CMP.No.914 of 2014 in MC.No.38 of 2005 dated 30.03.2016.

For Petitioners : Mr.S.Balasubramanian.

For Respondents : K.T.S.Sivakumar.

ORDER

This Criminal Revision is directed against the order passed by the learned Chief Judicial Magistrate, Namakkal in CMP.No.914 of 2014 in MC.No.38 of 2005 dated 30.03.2016.

2.The learned counsel for the petitioner mainly contended that the trial Court has failed to note the Court by an order dated 10.10.2006 in MC.No.38 of 2005 awarded a sum of Rs.3,000/- towards maintenance of wife and minor son. The first respondent is the post graduate and has been working and earning a monthly salary of Rs.20,000/- per month. The trial Court without considering the above facts enhanced the maintenance amount. Hence, the petitioner filed the present revision before this Court and prays to set aside the order of the trial Court.

3.The learned counsel for the respondent vehemently contended that originally Rs.3,000/- was ordered in the year 2006, towards maintenance and subsequently, it was enhanced to Rs.10,000/- in CMP.No.914 of 2014 dated 30.03.2016, due to increase in cost of living. After hearing both sides and considering the facts and circumstances enhanced the maintenance

and allowed the application and there is no illegality or infirmity in the order of the trial Court and prays to dismiss the revision petition.

4. Heard the rival submissions made on both sides and perused the records.

5. It is admitted by both sides, the respondents/wife filed MC.No.38 of 2005 and after hearing both sides, the trial Court directed the petitioner/husband to pay Rs.1,500/- each to the wife and minor son totally Rs.3,000/- against the said order the present revision petitioner filed CrI.RC.No.116 of 2007, the same was dismissed on 08.07.2009. Subsequently, the husband paid the entire arrears of amount. The learned counsel for the petitioner contends that the first respondent/wife is having an income of Rs.20,000/- p.m. and hence she is not entitled to get any maintenance and the petitioner is paying the maintenance amount regularly and the trial Court erred in allowing the petition.

6. On reading of the entire document, there is no documents to show that the first respondent is earning monthly income of Rs.20,000/-. The first respondent/wife denied that she is not working in any firm or earning Rs.20,000/-p.m and she further admitted that she is not enjoying the property of her father. The respondent/husband clearly admitted in the cross examination that he received monthly salary of Rs.32,109/- during February 2014, the salary certificate of the respondent/husband is marked as Ex.A1.

7. The trial Court considering the acceleration of price, enhanced the compensation of Rs.3,000/- to Rs.10,000/- which is very reasonable one. The order passed by the trial Court in CMP.No.914 of 2014 in MC.No.38 of 2005 dated 30.03.2016, deserves merits and acceptance and this court finds no illegality or infirmity in the order passed by the trial Court and the same does not warrant any interference by this Court.

8. In the result, the criminal revision petition stands dismissed. Consequently, connected miscellaneous petition is closed.

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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Chief Judicial Magistrate, Namakkal.

+ 1 cc to Mr.S.Balasubramanian, Advocate Sr 46462

+ 1 cc to K.T.S.Sivakumar, Advocate Sr 46513

KR/30/8/16

Cr1.R.C.No.786 of 2016



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