

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.08.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.845 of 2016
and Crl.MP.No.6419 of 2016

R.Augustin Isaac

.. Petitioner/Respondent

Vs.

1. Mrs.J.Hemalatha
2. Minor Neel rep. by
his Guardian Mother
Mrs.J. Hamalatha

.. Respondents/Petitioner

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 01.07.2015 made in CMP.No.362 of 2014 in MC.No.20 of 2014 passed by the learned Additional Family Court, Coimbatore.

For Petitioner : Mr.S.Jebadass Pandiyan.

For Respondents : Notice Sent. No appearance.

ORDER

The Criminal revision is directed against the order passed by the learned Additional Family Court, Coimbatore made in CMP.No.362 of 2014 in MC.No.20 of 2014 dated 01.07.2015, directing the revision petitioner/husband to pay a sum of Rs.10,000/-p.m.

2.The learned counsel for the petitioner/husband would contend that the trial Court without considering the fact that the petitioner is receiving only Rs.42,000/-p.m. towards monthly salary and he has to take care of his aged mother and her medical expenses. The trial Court erroneously passed the order directing the revision petitioner to pay Rs.10,000/-p.m. towards interim maintenance. The learned counsel prays to set aside the order of the trial Court and to allow the criminal revision.

3.Heard the learned counsel for the petitioner and perused the records.

4.During the course of arguments the learned counsel for the petitioner filed an affidavit signed by the petitioner which reads as follows :-

"3. I respectfully submit that I shall take care of my old age and sick mother and further I am also suffering from diabetics for which I am taking treatment from the year 2015. For all these medical expenses were borne from my salary and I had taken a personal loan for a sum of Rs.3,36,000/- in my name, with regard to the same I am paying EMI for each and every month to settle the above said personal loan. Apart from my salary of Rs.42,000/- I have no other source of income. Due to all the above said circumstances, I suffered with a huge financial loss, hence I am unable to pay a sum of Rs.10,000/- to the respondents herein as interim maintenance as directed by the lower Court.

4.I respectfully submit that however I undertake to pay a sum of Rs.7,500/- towards interim maintenance in favour of the respondents herein without any fail from the date of filing of petition."

5.The petitioner is earning a monthly salary of Rs.42,000/- p.m. he has no other source of income, he has to repay personal loan dues to the bank and he is suffering from financial crisis and he is not able to pay a sum of Rs.10,000/- towards interim maintenance. Hence, the revision petitioner undertakes to pay a sum of Rs.7,500/-p.m. towards interim maintenance to the respondents/wife and son.

6.Considering the facts and circumstances of the case, this Court is inclined to modify the order passed by the trial Court and directed the revision petitioner to pay a sum of Rs.9,000/- p.m. to the respondents 1 and 2 herein towards interim maintenance and Rs.10,000/- towards legal expenses. The interim maintenance of Rs.9,000/-p.m. is very much reasonable amount to maintain a lady and child in the prevailing cost of living.

7.With the above modification, the criminal revision is partly allowed and the order of the trial Court remains unaltered in other respects. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

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Sub Assistant Registrar

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To

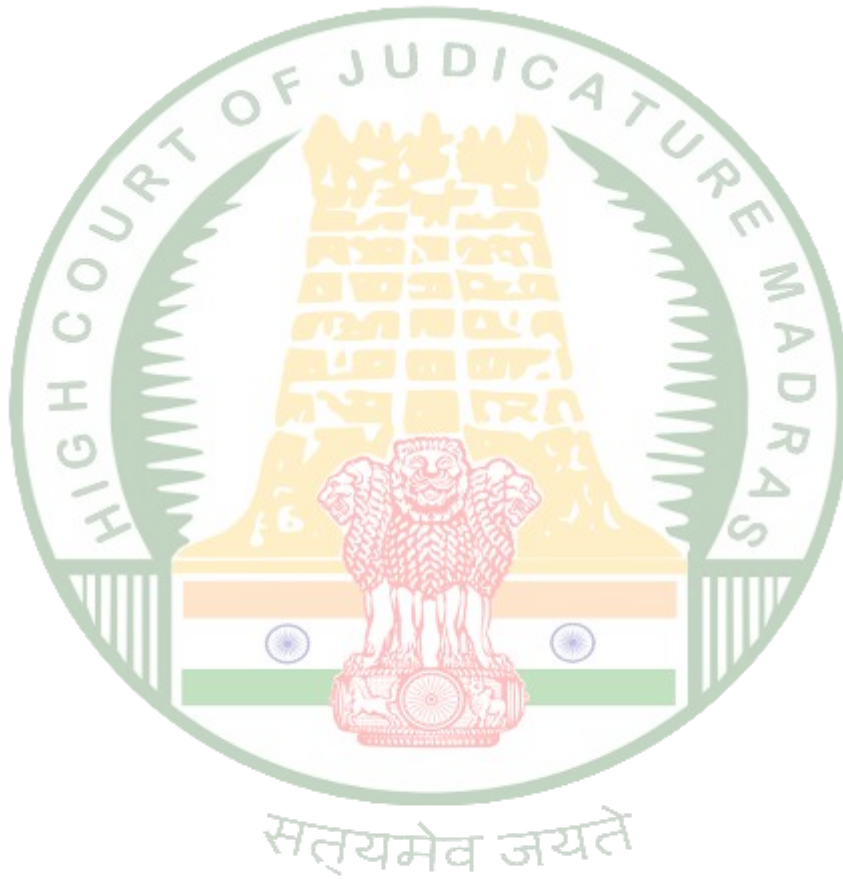
1. The Judge Additional Family Court, Coimbatore.

+ 1 cc to Mr.R. Bhagawatkrishna, Advocate SR.49414

Cr1.R.C.No.845 of 2016

RJ(CO)

EU 05.10.16



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