



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

Cr1.RC(MD) No.481 of 2015

WEB COPY

Thangam @ Thangathai

... Appellant/Respondent

-vs-

M.Subiramaniya @ Subiramani

... Respondent/Petitioner

PRAYER: Criminal Revision Petition is filed, under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to the order passed in M.C.No.1 of 2004, on the file of the learned Family Court, Madurai, dated 10.02.2010, and set aside the order and consequently enhance the maintenance amount.

For Petitioner: Mr.T.Selvakumaran

For Respondent: Mr.D.Saravanan

O R D E R

The revision petitioner dissatisfied with the quantum of maintenance granted by the Judge, Family Court, Madurai, in M.C.No.1 of 2004, has directed this revision.

2. The revision petitioner and the respondent are spouses. They have become a warring couples. The result of the battle is the outcome of the maintenance order granting monthly maintenance of Rs.2,500/- to the revision petitioner. She feels it is less. She wants more. That is why, this revision.

3. On the other hand, the respondent has other side of the coin. It is stated that the respondent is superannuated from an ordinary post of Messenger in a Bank. Prior to his retirement, after deductions, he received only Rs.2,000/- per month as salary. He is taking care of his age-old mother. However, there are two sons, one of whom is working in Malaysia and the other son is working as a Lecturer in Yadhava College, Madurai. He remains unmarried. He supports his mother. So, actually, the petitioner is well of and the respondent is suffering.

4. In reply, the learned counsel for the revision petitioner submitted that the respondent is owning two houses. Ofcourse, in one house, the revision petitioner is living. The respondent is receiving a sizable income from his immovable property.



5. I have anxiously considered the rival submissions, perused the impugned order and also the materials on record.

6. Instead of legality and legal submissions, let us focus our attention to the practical aspect. The revision petitioner has been provided with only Rs.2,500/- per month. In the present days, cost of living and cost of essential commodities are increasing. Rs.2,500/- per month will be hand to mouth only. The revision petitioner is living in Madurai. The cost of living and essential commodities are less in price than in Madras. It is also pertinent to note that the respondent is superannuated from service. He is having some property income.

7. Considering all these relevant aspects, we have to modify the impugned order giving some solace to the revision petitioner.

8. Thus, ordered as under:

- (i) This criminal revision is allowed.
- (ii) The Order, dated 10.02.2010, passed in M.C.No.1 of 2004, by the Judge, Family Court, Madurai, is modified to the effect that the respondent shall pay monthly maintenance of Rs.3,000/- (Rupees three thousand only) to the revision petitioner.
- (iii) This modified order shall take effect with effect from today.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To:

The Judge, Family Court, Madurai.

+1 CC to Mr.J.Selvakumaran, Advocate, SR No.28835

+1 CC to Mr.D.Saravanan, Advocate, SR No.28573

C.R.L.RC (MD) No.481 of 2015
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