



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2016

CORAM:

THE HONOURABLE Dr.JUSTICE P.DEVADASS

Crl.R.C.(MD)No.534 of 2015

and

M.P.(MD)No.1 of 2015

Thiruppathiraja

... Petitioner

Vs.

1.Venipriya @ Priya

2.Minor T.Tharun

... Respondents

Prayer: Criminal Revision Petition is filed under Section 397 and 401 Cr.P.C., against the judgment and order rendered by the IV Additional District Judge, Madurai District in Crl.R.P.No.33 of 2013 in M.C.No.7 of 2010 vide his judgment dated 19.03.2015 by allowing the revision petition.

For Petitioner : Mr.V.Maharajan

For Respondents : Mr.A.Jayaramachandran

ORDER

This revision has been directed as against the order passed by the learned IV Additional District Judge, Madurai in Crl.R.P.No.33 of 2013 in M.C.No.7 of 2010.

2.Venipriya @ Priya married Thiruppathiraja. This couples were blessed with a son namely, T.Tharun. Dispute arose between the spouses. She came to her parent's house along with her son. He is an I.T. professional. He is employed in Chennai. In the circumstances, in M.C.No.7 of 2010, the learned Judicial Magistrate, Usilampatti under Section 125 Cr.P.C., granted monthly maintenance of Rs.1,500 to her and Rs.1,000/- to her son from the date of the petition. The wife has not satisfied with the said quantum of amount. She preferred Crl.R.P.No.33 of 2013 before the IV Additional District Court, Madurai.

3.In the Trial Court, his salary certificate was not marked. The IV Additional District Judge, Madurai, marked it, noticing the salary received by him, hiked the monthly maintenance of the wife to Rs.7,000/- and of the son to Rs.3,000/-.

4.Aggrieved, the husband has directed this present revision.

5.The learned counsel for the revision petitioner would submit that the petitioner undergoes financial difficulties. He has to take care himself. Now he is living in a rented house in Chennai. In the

circumstances, the said maintenance need to be reduced to Rs.8,000/- p.m.

6.On the other hand, the learned counsel for the respondent would submit that husband is receiving very good salary. Taking into account his then salary, the Sessions Court has increased the maintenance amount. He would submit that now the cost of living is more. Thus Rs.10,000/- itself is hand to mouth. Even the cost of note books, pencils and stationary are more. Naturally, Educational expenses are also more.

7.I have considered the rival submissions and perused the impugned order and the materials on record.

8.On the side of the wife and son relevant factors have been presented as to why they need hike in the maintenance amount. There is no acceptable reason to reduce the maintenance from Rs.10,000/- to Rs.8,000/- p.m. As a dutiful husband and a father the revision petitioner is bound to maintain his wife and son. He must maintain them according to their standard and social status. In the circumstance, I do not find any valid reason to interfere with the impugned order.

9.In view of the foregoing, this Criminal Revision fails and it is dismissed.

Sd/
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

- 1.The IV Additional Sessions Judge, Madurai.
- 2.The District Munsif cum Judicial Magistrate, Usilampatti.

+1CC to M/S.V.Maharajan, Advocate, SR.No. 28211
+1CC to M/S.A.Jayaramachandran, Advocate, SR.No. 28206

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