



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.06.2016

CORAM:

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THE HONOURABLE DR.JUSTICE P.DEVADASS

CRL.RC (MD) No.607 of 2015

J.Geetha ... Petitioner/Petitioner

-vs-

R.Jaiganesh ... Respondent / Respondent

PRAYER: Criminal Revision Petition is filed, under Section 397 r/w 401 Cr.P.C., against the order dated 30.12.2014 in M.C.No.15 of 2014 on the file of the Chief Judicial Magistrate, Madurai.

For Petitioner :Mr.V.Angusamy

For Respondent :Mr.M.S.Jeyakarthik

O R D E R

The wife having not satisfied with the quantum of maintenance awarded by the learned Chief Judicial Magistrate, Madurai in M.C.No.15 of 2014, has directed this revision.

2. The revision petitioner and the respondent are spouses. They have no issues. Difference of opinion arose between them. In these circumstances, the revision petitioner is now staying in her parents' house. She sought for maintenance in M.C.No.15 of 2014. Both sides let in evidence. The trial Court appreciating their evidence and also taking into account the financial capacity of the respondent, ordered a monthly maintenance of Rs.5,000/- to the revision petitioner from the date of petition.

3. The learned counsel for the revision petitioner submits that the respondent is well paid. He receives good salary. He is a Railway employee. He can pay more. With Rs.5,000/- per month, it is difficult for her to maintain herself.

4. On the other hand, the learned counsel for the respondent would submit that the respondent is suffering more deductions. His net salary is only Rs.22,000/- per month. Further, he has to take care of his sick mother and he has to meet her growing medical costs. In such circumstances, even Rs.5,000/- per month is very difficult for him.



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

6. The respondent cannot neither abandon his wife nor his mother. Both are equally important to him. So far as his obligation to maintain his mother is concerned, the obligation arises from the date of his birth. So far as his obligation to maintain his wife is concerned, it arises from the date, when he married her. This obligation is ethical, moral and legal and it is made statutory under Section 125 Cr.P.C. In fixing this responsibility in monetary terms, the Court must consider the financial capacity of the husband and also the expenditure he has to meet and it must also consider the financial capacity of the wife to maintain herself.

7. Now in this case, the respondent is a central Government Railway Servant. In this connection, it is pertinent to note the submissions of the learned counsel for the revision petitioner that the respondent is fortunate to have his father also employed in a Central Government Department. So the respondent's mother have double benefit and support from her son as well as from her husband. But Rs.5,000/- per month to live in Thiruparankundram, which is almost part of Madurai, will not be sufficient. One has to spend more at least considerably to live in Madurai city, when especially cost of living now is more.

8. I have already noted the net salary received by the respondent. But that was in 2014. Since then three years have elapsed. Now he would have got three annual increments and six half yearly increased D.As. The gross pay of Rs.33,000/- will not be static. So income grows naturally. He has to pay more to his wife. So the wife has made a strong case for enhancement.

9. Taking into account all the relevant aspects, ordered as under:

(i) This criminal revision is allowed.

(ii) The Order, dated 30.12.2014, passed in M.C.No.15 of 2014, by the Chief Judicial Magistrate, Madurai, is modified to the effect that the respondent shall pay monthly maintenance of Rs.7,500/- (Rupees Seven Thousand and Five Hundred Only) to the revision petitioner. This enhanced maintenance amount takes effect with effect from the date of filing of this revision, namely, 30.10.2015.

Sd/-

Assistant Registrar (CS-II)

/True Copy/



To:

The Chief Judicial Magistrate, Madurai.

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+ONE CC TO M/S.M.S.JEYAKARTHIK, ADVOCATE IN SR.NO.29505

GJM/SK/SKN/17.6.16-3P-3C

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