



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2016

CORAM:

THE HONOURABLE Dr.JUSTICE P.DEVADASS

Crl.R.C. (MD)No.822 of 2013
and
M.P. (MD)No.1 of 2013

Senthil Kumar

... Petitioner

Vs.

1.Kaliammal
2.Minor Jeyasree

... Respondents

Prayer: Criminal Revision Petition is filed under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to the impugned order dated 03.10.2013 in M.C.No.50 of 2008 on the file of the learned Judicial Magistrate, Paramakudi and set aside the same.

For Petitioner : Mr.J.Lawrance
For Respondents : Mr.T.Prabu Krishnan

ORDER

An husband challenges the maintenance granted to his wife and minor daughter namely, R1 and R2 at the rate of Rs.2,000/- per month each.

2.The Trial Court referring to the averments in the M.C. petition and the counter filed by both the respondents and also evidence adduced, granted maintenance to the respondents as stated above.

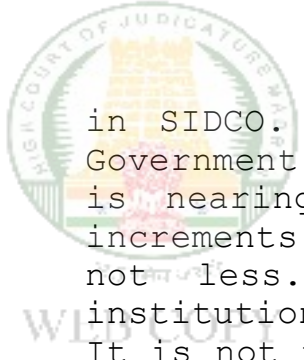
3.According to the learned counsel for the revision petitioner, the petitioner is a sick man. He is an heart patient. Even he underwent angiogram. In such circumstances, it is too difficult for him to pay Rs.4,000/- per month. The order granting maintenance in these circumstances is not in accordance with law.

4.On the other hand, the learned counsel for the respondents submit that what was granted itself is very less. They have no means to maintain themselves. In such circumstances, the revision petitioner is bound to maintain them.

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

<https://hcservices.ecourts.gov.in/hcservices/>

6.The revision petitioner is employed as an Office Assistant



in SIDCO. It is quasi Government. His salary is almost like Government salary. The order was passed in 2013. Now three years is nearing. Now this time, he would have got three annual increments and half yearly D.A. increase. Salary will be more and not less. As he is employed in a Government sponsored institution, he is entitled to medical leave and medical relief. It is not that he is not receiving salary. There is no law that a sick Government servant need not and should not maintain his wife and children. Sickness is common to everybody. The husband may fell sick. So also the wife. Sickness will not relieve them from their responsibility.

7.As rightly pointed out by the learned counsel for the respondents, what was granted to them itself is a less amount, in fact, they should have been granted more. However, taking into account, all the above aspects, what was granted is neither less nor more. Thus, I find no ground to interfere.

8.In view of the above, this revision fails and it is dismissed. Consequently, connected M.P.is closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

Copy to -

1. The Registrar (Judicial),

Madurai Bench of Madras High Court, Madurai.

(for the purpose of paying remuneration to the lawyer,

who has been appointed to represent the respondent herein)

2.The Judicial Magistrate, Paramakudi.

+1 cc to M/s.J.Lawrance, Advocate in SR.No.30648/16

nbj

CSL/NGM-MP/21.06.2016 :2P/4C

Cr1.R.C. (MD) No.822 of 2013
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