

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2017

CORAM

THE HON'BLE MR. JUSTICE **R.SURESH KUMAR**

Crl.R.C.No.1220 of 2017 and
Crl.M.P.No.11648 of 2017

Victor Johnson ... Petitioner

Vs.

Radha @ Jagulin Mary ... Respondent

Prayer:- Criminal Revision Petition has been filed under Section 397 read with 401 Cr.P.C., to set aside the order passed by the learned Judicial Magistrate, Tambaram in M.C.No.8 of 2014 dated 04.09.2016.

For Petitioner : Mr.S.Vijayakumar

ORDER

This criminal revision case has been filed against the order dated 04.09.2016 passed in M.C.No.8 of 2014 by the learned Judicial Magistrate, Tambaram.

2. The respondent/wife had filed the said M.C.No.8 of 2014 seeking monthly maintenance from the petitioner/husband. The learned trial Judge after having considered all the aspects of the issues raised

before him, has, ultimately, through the impugned order, directed the petitioner to pay a sum of Rs.4,000/- to the respondent/wife per month and such payment shall be made from the date of the filing of the petition. Challenging the said order, the present revision case has been filed.

3. I have heard Mr.S.Vijayakumar, learned counsel appearing for the petitioner, who would state that the petitioner is an electrician and out of his job, he is earning only a sum of Rs.6,000/- per month, out of which, he cannot part away a sum of Rs.4,000/- towards maintenance to the respondent/wife and therefore challenging the quantum of maintenance ordered by the trial Court, he has approached this Court with this revision.

4. Since the petitioner admittedly an electrician, it is a common knowledge that no electrician can be pressed into service for the whole month for a sum of Rs.6,000/-. Since the electrician job is skilled in type, this Court feels that the salary or earning of the petitioner per month certainly, would be not lesser than a sum of Rs.15,000/- per month. Even assuming that the petitioner is making less earning, that would not entitle him to say that he would not even part away the said sum of Rs.4,000/- to

the respondent towards monthly maintenance.

5. In the present day context, having Rs.4,000/- per month to maintain a person is very minimum and without even the said amount we can not expect that a person can maintain herself. Therefore, the said order directing the petitioner to pay a sum of Rs.4,000/- as maintenance, in the opinion of this Court, is quite justifiable and certainly is not on the higher side. Therefore, this Court is not inclined to entertain this case, since there is no impropriety or illegality attached with the impugned order.

6. In the result, the criminal revision case is dismissed. Consequently, connected miscellaneous petition is also closed.

14.09.2017

Speaking/non speaking order

Index :Yes/No

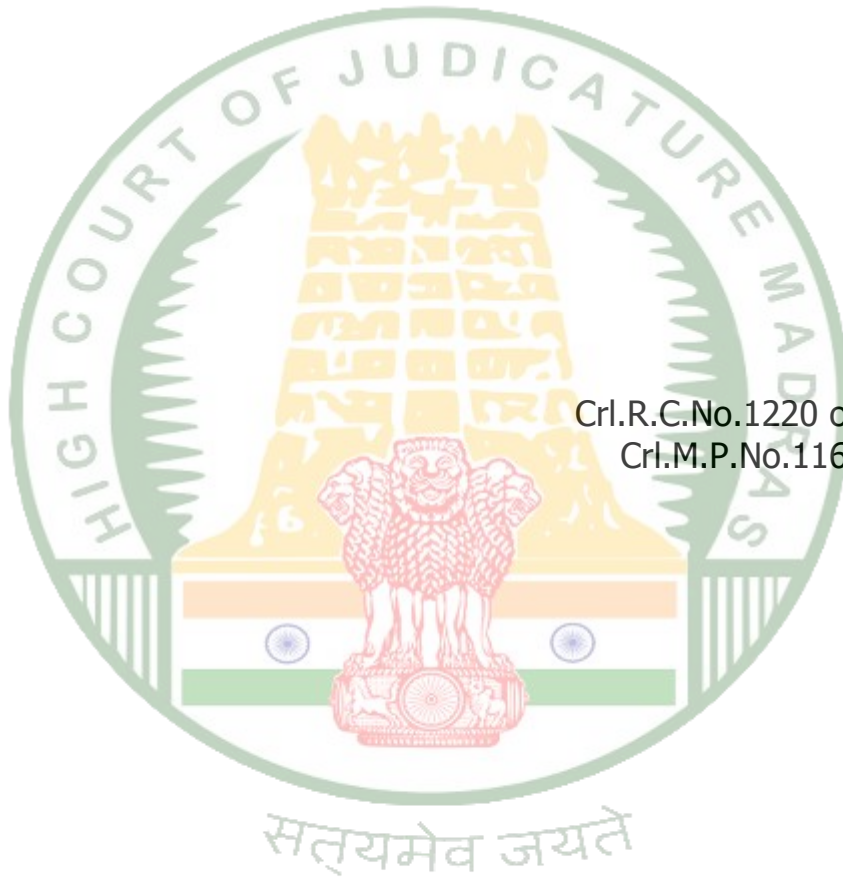
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To
The Presiding Officer,
The Judicial Magistrate,
Tambaram.

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R.SURESH KUMAR, J.

rts



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