

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2017

CORAM

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

CrI.R.C.No.558 of 2017

Shanmugasundaram

...Petitioner/Respondent

Vs.

- 1.Ponmani
- 2.Mahishka (Minor)
- 3.Gayathri (Minor)

Respondents 2 and 3 represented
by their mother and Natural Guardian
(1st Petitioner). ... Respondents/Petitioner

Prayer:- Criminal Revision Petition has been filed under Section 397 read with 401 of the Code of Criminal Procedure, to call for the records in CrI.M.P.No.17 of 2014 dated 02-02-2017 on the file of the learned Judicial Magistrate II, Pollachi and set aside the same.

For Petitioner : Mr.S.Manoharan

For Respondents: Mr.R.Nandha Kumar

O R D E R

This revision case has been filed against the order passed by the learned Judicial Magistrate No.II, Pollachi, in CrI.MP.No.17 of 2014 dated 02.02.2017.

2.The 1st respondent wife and the minor children of the 1st respondent i.e., respondents 2 and 3, had filed a petition before the Lower Court seeking for maintenance from the petitioner/ husband.

3.The trial Court, after considering the claim, has passed an order on 02.02.2017, directing the petitioner/husband to pay a sum of Rs.3,000/- to the 1st respondent and Rs.1,500/- each to the children. Challenging the quantum of the said amount awarded

by the Lower Court, the present revision has been filed by the petitioner/husband.

4.I have heard Mr.S.Manoharan, learned counsel appearing for the petitioner as well as Mr.R.Nandha Kumar, learned counsel appearing for the respondents.

5.The learned counsel appearing for the respondents would state that even the very award of Rs.3,000/- to the 1st respondent and Rs.1,500/- each to the 2 and 3 respondents is very meager and a reasonable sum, without which, three persons cannot survive, hence, interference need not be required in respect of the impugned order in this case.

6.However, the learned counsel appearing for the petitioner would state that the petitioner is earning only Rs.8,000/- per month with that meager amount of Rs.8,000/-, he has to maintain himself and his aged mother also. Therefore, it is very difficult to pay a sum of Rs.6,000/- per month towards maintenance to the respondents.

7.I have considered the said submissions made by the learned counsel appearing for the parties.

8.Since the 1st respondent is the wife and the 2 and 3 respondents are the children of the petitioner, he has to maintain these people and therefore, for the said purpose, a reasonable sum from and out of the earnings of the petitioner can be parted away. Since it was ordered to be paid a sum of Rs.6,000/- per month towards maintenance to these three persons, this Court feels that this is not a higher amount. However, considering the claim of the petitioner that he is earning only a sum of Rs.8,000/- per month, he look after himself and his mother, in order to balance both sides, and to meet the ends of justice, this Court is inclined to pass the following orders:

(1)That the petitioner shall pay a sum of Rs.2,500/- to the 1st respondent and Rs.1,250/- each to the 2nd and 3rd respondents, respectively, altogether to pay a sum of Rs.5,000/- per month towards maintenance to the respondents.

(2)That the petitioner shall deposit the above said sum of Rs.5,000/- per month from the date of petition filed before the Lower Court and the said arrears shall be paid by the petitioner to the respondents in three equal installments within a period of three months from the date of receipt of a copy of this order.

With these modifications, the order of the trial Court, which is impugned herein, is confirmed and this Criminal Revision Case is disposed of accordingly.

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Judicial Magistrate II, Pollachi.

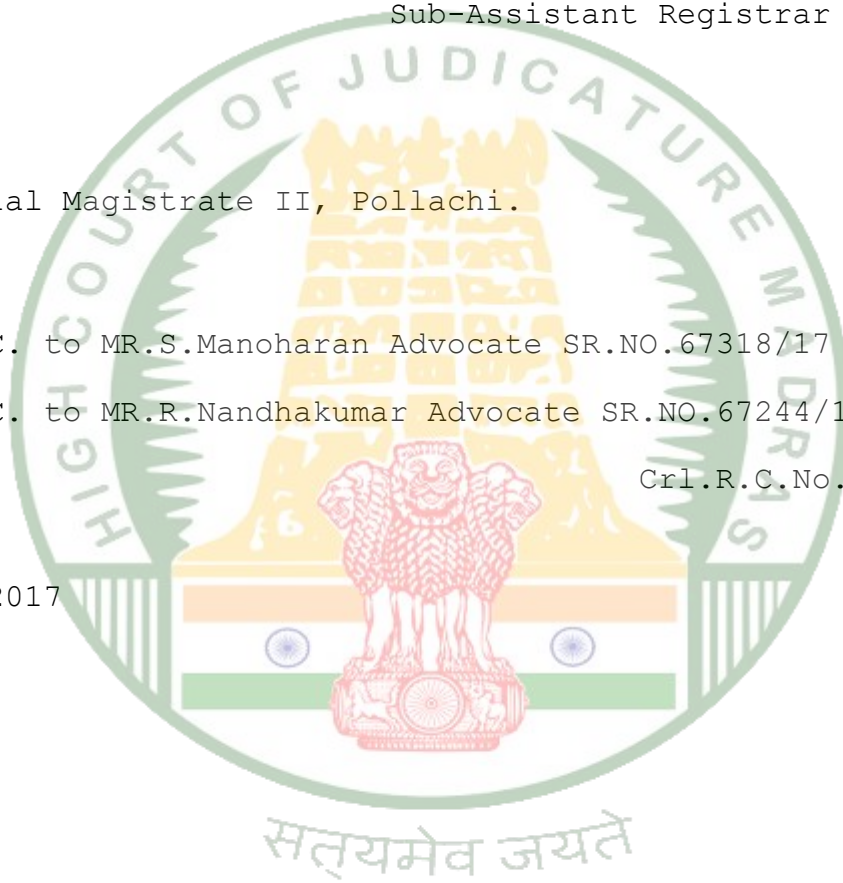
+1C.C. to MR.S.Manoharan Advocate SR.NO.67318/17

+1C.C. to MR.R.Nandhakumar Advocate SR.NO.67244/18

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NRJK (CO)

VS 01.11.2017



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