

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2017

Coram

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

CRL. REVISION CASE No.945 of 2017

K.Balasubramaniam

... Petitioner

Vs.

1. B.Rajamani

2.Minor B.Prabhavathi
rep.by her Guardian/Mother
Rajamani

... Respondents

Prayer: The Criminal Revision Case has been filed under Section 397(1) read with 401 of the Code of Criminal Procedure praying to set aside the order dated 19.04.2017 passed by the learned Principal Judge, Family Court, Coimbatore in C.M.P.No.158 of 2015 in M.C.No.2/2015.

For Petitioner : Mr.L.Mouli

For Respondent : No appearance

ORDER

This Criminal Revision case has been filed against the order passed by the learned Principal Family Court, Coimbatore in C.M.P.No.158 of 2015 in M.C.No.2 of 2015 dated 19.04.2017.

2. By the said order, the learned Family Court has enhanced the maintenance awarded to the respondent earlier, from Rs.1,250/- to Rs.4,000/-. Challenging the said order, the Criminal Revision Case has been filed.

3. The learned counsel for the petitioner submits that the petitioner's take home salary is only Rs.14,000/- and out of the said amount, the petitioner has to spend at least Rs.5,000/- per month towards his ailing mother, for her medical expense and other aspects. That apart, the petitioner has to spend a sum of Rs.3,000/- per month as fuel expense. Therefore, out of Rs.14,000/-, if the petitioner spends Rs.8,000/- per month he

would be left only with Rs.6,000/-. If the petitioner pays maintenance of Rs.4,000/-, he would be left with only Rs.2,000/- to live his life.

4. Therefore, the learned counsel submitted that the impugned order is liable to be interfered with and this Court may reduce the maintenance amount.

5. I have considered the submissions made by the learned counsel for the petitioner and also perused the materials placed before this Court including the impugned order passed by the learned Family Court Judge.

6. The learned Judge has considered the said aspects and has recorded in her findings, at Paragraph-11 of the impugned order, that the petitioner had produced medical bills towards the medical expenses for his mother only for a sum of Rs.1,165/- and for another month it was Rs.1180/-. These medical bills were marked as Ex.R2 and Ex.R5. The claim made by the petitioner that he spent Rs.5,000/- every month towards his mother for medical expenses was not accepted by the learned Judge. Also, the other head namely, fuel expenses, for which, according to the petitioner, he was spending Rs.3000/- per month was also not accepted by the learned Judge.

7. In the year 2005, the respondent i.e. Wife and female child of the petitioner had been given the interim maintenance of Rs.1,250/- alone, and with that meager amount, both the respondents had been surviving for all these years. Now, since the second respondent is growing even and as to now according to the learned counsel for the petitioner, is studying in 8th standard, certainly, her educational expenses should also have to be met by the petitioner.

8. Therefore, considering all these aspects, the court below has rightly awarded an interim maintenance at Rs.2,000/- each, per month, to the respondents. Therefore, the enhancement in only to the tune of Rs.2750/- from the earlier amount of Rs.1,250/-.

9. Since, the respondents are not able to maintain themselves, this amount Rs.4000/- for two persons is very minimum amount. Even this amount of Rs.4,000/- for two persons is only minimum amount and the second respondent being a school going child, more money is needed for her education. Therefore considering all these aspects only, the learned Judge has enhanced the interim maintenance to Rs.4,000/- (Rupees Four thousand only).

10. The said enhancement, in the considered opinion of this

Court is reasonable and there is absolutely no reason to interfere with the order passed by the learned Judge. Accordingly this Criminal Revision Case fails and the same is dismissed.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

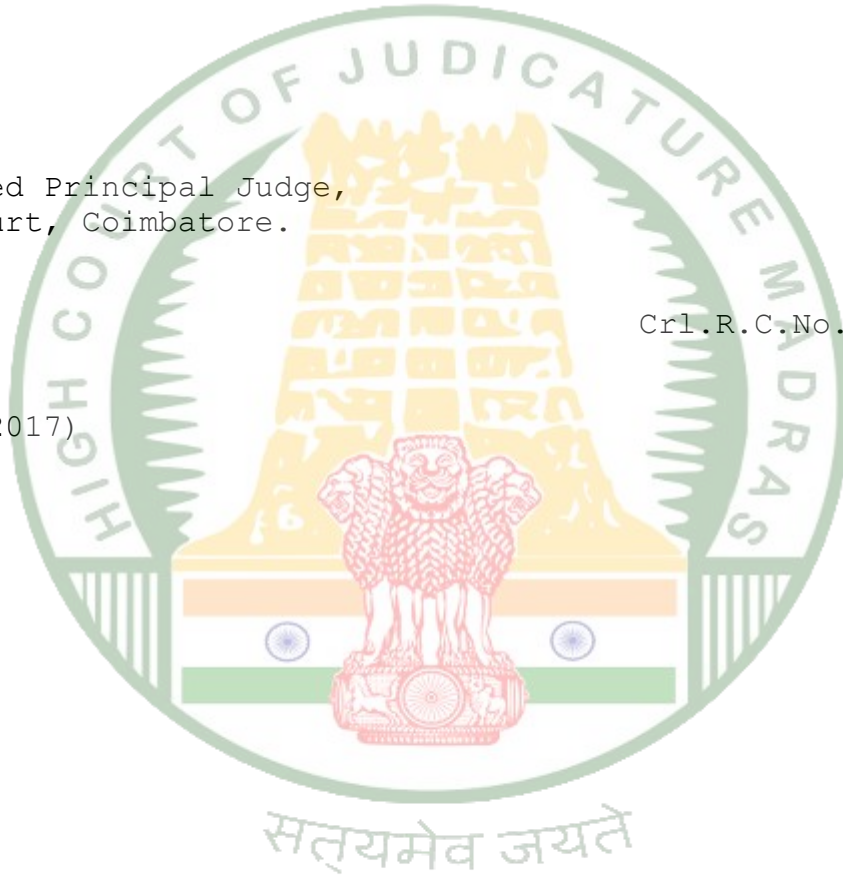
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To

The learned Principal Judge,
Family Court, Coimbatore.

Cr1.R.C.No.945 of 2017

SAI (CO)
GN(18/08/2017)



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