IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.276 of 2015

and

M.P.No.1 of 2015

K.Ganesamoorthy
S/o.Late A.Kari Gowder ..Petitioner/Respondent

Vs.

Meenakshi
W/o.Ganesamoorthy .. Respondent/1st petitioner

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. against the order of learned Judicial Magistrate II, Pollachi, passed in Crl.M.P.No.6439 of 2010 in M.C.No.20 of 2005 on 16.03.2015.

For Petitioner : Mr.N.Damodaran

For Respondent : Mr.P.M.Duraiswamy

*****

O R D E R

This revision arises against the order of learned Judicial Magistrate II, Pollachi, passed in Crl.M.P.No.6439 of 2010 in M.C.No.20 of 2005 on 16.03.2015.

2. Petitioner and respondent are husband and wife. Differences arose between them. Respondent and her children, moved M.C.No.20 of 2005 learned Judicial Magistrate II, Pollachi, seeking maintenance. Court below, under orders dated 27.10.2006, directed the petitioner to pay a sum of Rs.3,500/- p.m. to respondent and her children towards maintenance.

WEB COPY

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

Aggrieved over the quantum, respondent and her children moved Crl.M.P.No.6439 of 2010 seeking enhancement. Court below, under orders dated 16.03.2015, directed the petitioner to pay a sum of Rs.15,000/- p.m. to the respondent and no maintenance was granted to the children as they have attained majority. Against such order, petitioner has preferred this revision.

3. Heard learned counsel for petitioner and learned counsel for respondent.

4. Learned counsel for petitioner submits that the son of the couple is now an earning member, who also has a duty to support his mother/respondent. Petitioner is unable to effect payment of maintenance in a sum of Rs.15,000/-p.m. ordered by the Court below. Decree of divorce granted in his favour not having been challenged, petitioner has entered upon a second marriage and has to maintain his present family.

5. Learned counsel for respondent submits that against the claim of petitioner and of his earning a sum of Rs.5,000/- p.m. as a driver, records have been produced towards establishing that he had preferred a suit seeking right in large extent of property. Learned counsel contends that the respondent is a man of good means.

6. This Court has considered the rival submissions.

7. Considering the submissions made, this Court is of the view that the petitioner may be directed to pay maintenance in a sum of Rs.12,000/- p.m. instead of Rs.15,000/- p.m. Accordingly, this Court directs the petitioner to effect payment of monthly maintenance in a sum of Rs.12,000/- on or before 5th of every month. The said sum shall be paid from the date of petition before the Court below and the sum so payable shall be paid within a period of two months from the date of receipt of this order after giving due deduction to payments, if any, earlier made by petitioner.

The Criminal Revision Case is disposed of with the above direction. Connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

WEB COPY

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

To
The Judicial Magistrate II,
Pollachi.

+1cc to Mr.P.M.Duraisamy, Advocate SR.No.13907
+1cc to Mr.N.Damodaran, Advocate SR.No.14200

Crl.R.C.No.276 of 2015

SDR 15.03.2017

WEB COPY

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