

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

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

CrI.R.C.No.552 of 2015

Mary Auxilia

.. Petitioner

vs.

Derock Maxime Souceradjou

.. Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned III Additional Judge, Family Court, Chennai, passed in M.C.No.416 of 2014 on 10.01.2015.

For Petitioner : Ms.Pertilla
for M/s.Vincent and Vincent

For Respondent : No appearance

O R D E R

This revision challenges the order of learned III Additional Judge, Family Court, Chennai, passed in M.C.No.416 of 2014 on 10.01.2015.

2. By the order under challenge, Court below has directed respondent to pay a sum of Rs.10,000/- to petitioner towards monthly maintenance from the date of petition. Aggrieved, petitioner/wife has preferred this revision.

3. Heard learned counsel for petitioner. Though respondent has been served, there is no appearance on his behalf.

4. Learned counsel for petitioner referred to the following observations in the order of the Court below:

"7. In Ex.P4 the statement dated of respondent the credit amount has been stated in Euros. PW1 deposed that respondent is earning 997.41 Euros and if it is calculated in rupees he is earning 88,56,257. It is highly unbelievable that a retired person is getting pension as Rs.88,56,257 every month. Even

though it is stated in the proof affidavit that respondent's salary is 997.41 Euros, it is stated in the statement of respondent that is in Ex.P4 as 251.41 Euros. Considering the oral and documentary evidence produced by the petitioner, it is held that petitioner is not entitled to get maintenance amount as claimed in the petition but at the same time petitioner is entitled to get maintenance amount as fixed by this court and point no.1 is answered accordingly in favour of the petitioner."

5. Learned counsel rightly contends that the observation arose on a mistaken understanding and the sum of 997.41 Euros amounted to a sum of Rs.89,786.84/-. Court below fell into error in reading the same as amounting to above Rs.88,00,000/-.

6. Given the indisputable position that the bank statement of the respondent informs his receiving a pension in a sum of 997.41 Euros every month, which approximately would correspond to Rs.90,000/-, this Court considers it appropriate to interfere with the order under challenge and hold that petitioner/wife shall be entitled to maintenance in a sum of Rs.30,000/- p.m. Accordingly, the respondent is directed to pay a sum of Rs.30,000/- every month towards monthly maintenance to petitioner from the date of filing the petition before Court below. Respondent also is directed to pay the monthly maintenance of Rs.30,000/- on or before 5th of every month.

The Criminal Revision Case is disposed of with the above direction.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gm

To

The III Additional Judge,
Family Court,
Chennai.

+2ccs to Mr.S.Vincent, sr.8073

Cr1.R.C.No.552 of 2015

sp(co)
ss(9/2/2017)