

IN THE HIGH COURT OF JUDICATURE AT MADRAS**Dated :02.08.2017****CORAM:****THE HON'BLE MR.JUSTICE C.T. SELVAM****Crl.R.C. No. 610 of 2010**

R.Sundarambal

...Petitioner

Versus

T.C.Ramasamy

...Respondent

The Criminal Revision Petition is filed under Section 397 Cr.P.C read with 401 Cr.P.C., against the judgment of the Family Court of Coimbatore dated 21.11.2009 in M.C.No.133 of 2005.

For Petitioner : Mr.V.Nicholas

For Respondent : No Appearance

ORDER

Heard learned counsel for petitioner and learned counsel for respondent.

2. Petitioner moved M.C.No.133 of 2005 seeking enhancement of maintenance under section 127 Cr.P.C. Petitioner had under proceedings in M.C.No.214 of 1995 been granted maintenance in a sum of Rs.300/- and she had sought enhancement to Rs.4,000/- p.m. The Court below has, by the order under challenge, directed the respondent to pay a sum of Rs.1,000/- p.m.

3. Learned counsel for petitioner submitted that enhancement of maintenance in a sum of Rs.1,000/- in the year 2009 as against the grant of Rs.300/- in the year 1997 was extremely low. He further submitted that a further period of eight years have lapsed since the judgment of the court below. Petitioner was now aged about 60 years and had none to take care of her. She is living alone. Respondent is a man of good means holding agricultural lands and earning more than Rs.5,00,000/- a year.

4. Learned counsel for respondent submitted that respondent was aged about 72 years and suffered from several ailments. He has also to take care of the other family.

5. On consideration of rival submissions and on perusal of records, it is seen that the respondent has filed a petition for declaration of nullity of marriage, which has been dismissed. The petitioner has none to take care of her. The enhancement of maintenance directed by the Court below is very low. At the same time, this Court would also consider the submissions of learned counsel for respondent.

6. On the above consideration, this Court directs as follows:-

"The order of Family Court, Coimbatore passed in M.C.No.133 of 2005 dated 21.11.2009 shall stand modified to one

1. Requiring the respondent to effect payment of maintenance in a sum of Rs.2,000/- per month. The said sum of Rs.2,000/- per month shall be payable from the month of January 2013.
2. Given the peculiar nature of this case, this Court would require the District Collector, Coimbatore District to consider payment of a sum of Rs.1,000/- per month to the petitioner under any one of the schemes of Government without being bound by technicalities.

7. Accordingly, the revision petition stands allowed.
Findings of revision are stand set aside.

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kmi

Note: Issue order copy on 10.08.2017

C.T. SELVAM, J.,

kmi

To

The District Collector,
Coimbatore District.



Crl. R.C. No. 610 of 2010

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