

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2017

CORAM:

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

CrI.R.C.No.930 of 2016

1.Bharathi

W/o.Ravi @ Karuppahiyah

2.Minor Dhivya @ Thilaka

D/o.Ravi @ Karuppahiyah

represented by mother/first petitioner ... Petitioners

Vs.

Ravi @ Karuppahiyah

S/o.Late Elayappa Gounder

.. Respondent

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. against the order of learned III Additional District and Sessions Judge, Salem, passed in C.R.P.No.52 of 2015 on 14.12.2015, modifying the order of learned Judicial Magistrate I, Attur, passed in M.C.No.10 of 2012 on 16.04.2015.

For Petitioners : Mr.T.Murugamanickam

For Respondent : Mr.L.Rajendran

O R D E R

This revision arises against the order of learned III Additional District and Sessions Judge, Salem, passed in C.R.P.No.52 of 2015 on 14.12.2015, modifying the order of learned Judicial Magistrate I, Attur, passed in M.C.No.10 of 2012 on 16.04.2015.

2. Respondent and first petitioner are husband and wife. Second petitioner is their minor daughter. Petitioners moved M.C.No.10 of 2012 seeking maintenance. Court below, under orders dated 16.04.2015, directed the respondent to pay a sum of

Rs.2,500/- p.m. to each of the petitioners towards maintenance, totalling a sum of Rs.5,000/- p.m. There against, respondent moved C.R.P.No.52 of 2015 on the file of learned III Additional District Judge, Salem. Court below, under orders dated 14.12.2015, reduced the monthly maintenance payable to petitioners from Rs.5,000/- to Rs.2,000/- to first petitioner and Rs.1,500/- to second petitioner till her marriage. There against, the present revision has been filed.

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

4. In reducing the quantum of maintenance, the Court below has reasoned that though the trial Court was correct in granting maintenance to petitioners, it has failed to arrive at a definite finding regards the income of respondent. On consideration of the evidence and the submissions made on either side, the Court below has fixed the income of the respondent at Rs.10,000/- p.m. and modified the monthly maintenance from Rs.5,000/- to Rs.2,000/- to first petitioner and Rs.1,500/- to second petitioner till her marriage. This Court finds no error in the order under challenge.

The Criminal Revision Case shall stand dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm
To

1.The III Additional District and Sessions Judge,
Salem.

2.The Judicial Magistrate I,
Attur.

+1cc to Mr.L. Rajendran, Advocate, S.R.No.4184

rsk(CO)
md(10/02/2017)

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