

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 26.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**Cr1.R.C. (MD) .No.258 of 2011****and****M.P. (MD) Nos.1 & 2 of 2011**

Selvakumar

...Petitioner/Respondent

Vs.

1.Santhirasuja

2.Minor Aruljothi

(2nd respondent through her
Guardian 1st respondent)

...Respondents/Petitioners

PRAYER: Criminal Revision filed under Section 397 & 401 of Cr.P.C., praying to set aside the order dated 22.01.2011 made in Cr.M.P.No.5096/2009 in M.C.No.2 of 2003 on the file of Judicial Magistrate-I, Kuzhithurai.

For petitioner : Mrs.P.Sona Alagesh
Legal Aid Counsel

For Respondents : Mr.C.K.M.Appaji

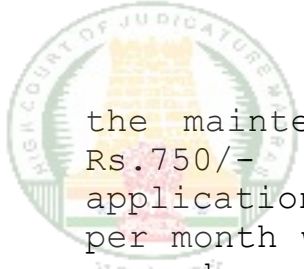
O R D E R

Challenging the order, enhancing the maintenance amount payable to the respondents, the husband of the first petitioner has filed this revision.

2.Earlier, the learned counsel appearing for the petitioner has filed a memo withdrawing his appearance. Hence Mrs.P.Sona Alagesh, learned counsel has been appointed as legal aid counsel to conduct the case of the petitioner.

3.I have Heard Mrs.P.Sona Alagesh, the learned Legal Aid Counsel, appearing for the petitioner and Mr.C.K.M.Appaji, learned counsel appearing for the respondents and perused the records carefully.

4.The respondents herein are wife and daughter of the petitioner. Earlier, the respondents filed a petition under Section 125 of Cr.P.C. in M.C.No.2 of 2003 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, seeking maintenance and the Court below awarded a sum of Rs.200/- to the first petitioner and a sum of Rs.500/- per month to the second petitioner. Subsequently, they filed a revision petition for enhancing the maintenance before this Court. This Court enhanced



the maintenance to the second respondent only from Rs.500/- to Rs.750/- per month. Thereafter, they have filed another application for enhancement. In that petition, a sum of Rs.300/- per month was enhanced to the first respondent and Rs.200/- to the second respondent. Since the above amount is not sufficient to maintain themselves and the second respondent is studying in a School, they have filed the present petition, under Section 127 Cr.P.C seeking further enhancement of maintenance at the rate of Rs.2,500/- per month to the 2nd respondent and Rs.3,000/- to the first respondent towards medical and other expenses. Since the petitioner is working as the Sub Registrar in Chennai and getting salary more than Rs.25,000/- per month, and the respondents only depend upon the maintenance amount payable by the petitioner, the Court below, enhanced the maintenance at the rate of Rs.1,500/- to each respondent, which comes to Rs.2,000/- to the first respondent and Rs.2,450/- to the second respondent. Challenging the same, the present Criminal Revision Case has been filed.

5.I have considered the rival submissions.

6.It is the admitted case that the first respondent is the wife of the petitioner and second petitioner is his daughter and the petitioner has a legal obligation to maintain them. The petitioner is admittedly working as a Sub-Registrar, and getting sufficient salary and also has means to pay the maintenance. On the other hand, the respondents wife and daughter are living separately, they have no means to maintain themselves, especially the second respondent is studying in a school. The trial Court, after considering all the materials, enhanced the maintenance amount by Rs.2,000/- to the first petitioner and Rs.2,450/- to the second petitioner.

7.After perusing the records carefully, I find no illegality or irregularity in the order passed by the court below. There is no merit in the Criminal Revision Case. Hence, the same is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate-I,
Kuzhithurai.

Cr1.R.C.(MD).No.258 of 2011
26.07.2017