

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2018

CORAM:

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

Crl.R.C.No.1164 of 2017

1.S.Subapriya

2.Minor.S.Kanisha

.. Petitioners

Vs.

Srihari

.. Respondent

Criminal Revision filed under Sections 397 r/w 401 Cr.P.C. praying to modify the order dated 11.07.2017 made in M.C.No.29 of 2015 on the file of the Principal Judge, Family Court, Coimbatore.

For Petitioner : Mr.C.P.Sivamohan

For Respondent : Mr.P.Saravana Somiyan

O R D E R

This revision challenges the order of maintenance passed by the learned Principal Judge, Family Court, Chennai in M.C.No.29 of 2015 dated 11.07.2017 directing the respondent to pay a sum of Rs.6,000/- p.m. each to the petitioners.

2. The case of the petitioner is that the respondent/husband is working in a Private Company, Mumbai and earning a sum of Rs.1,25,000/- per month and he resigned his job. Now, presently the respondent is working in Nigeria and earning a sum of Rs.4,00,000/-.

3. The learned counsel for the petitioners submit that the first petitioner has moved HMOP.No.1433 of 2014 on the file of the learned Principal Judge, Family Court, Coimbatore, seeking restitution of conjugal rights. The respondent has filed HMOP.No.767 of 2015 seeking divorce and the same is also pending. In the meantime, the first petitioner has filed M.C.No.29 of 2015 on the file of the learned Principal Judge, Family Court, Coimbatore seeking maintenance from the date of filing of this petition and the same was allowed by awarding maintenance for a sum of Rs.6,000/- p.m. each to the petitioners to be paid by the respondent and further directed

the respondent to pay a sum of Rs.5,000/- as one time payment towards litigation expenses. Hence, the petitioners have filed the present revision for enhancing the maintenance amount.

4. Per contra, the learned counsel appearing for the respondent would submit that he was working in a Private Company at Mumbai. But he resigned his job on 05.06.2015 and as on date, he is not employed in any job and he prays for dismissal of the petition.

5. The learned counsel for the petitioners stated that the respondent/husband presently is working in Nigiria and earning a sum of Rs.4,00,000/- . But there is no proof filed by the petitioners before this Court to that effect.

6. It is pointed out that the respondent has already worked in a Private Company at Mumbai and he was earning a sum of Rs.1,25,000/- . In the modern era, Rs.6,000/-p.m., being paid by the respondent is a very meagre amount and the first petitioner is also not satisfactory to meet her day-to-day life to save her daughter and herself.

7. In view of the above, this Court is inclined to enhance the maintenance and pass the following order.

The respondent is directed to pay a sum of Rs.20,000/- p.m. to the first petitioner and Rs.15,000/- p.m. to the second petitioner from the date of filing of the original petition before the court below.

8. With the above direction, this criminal revision is allowed.

Sd/-

Assistant Registrar(CCC)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

kkd

To

1.The Principal Judge, Family Court, Coimbatore.

2.The Section officer Criminal Section High Court Madras.

+1cc to Mr.P.Saravana Sowmiya, Advocate, S.R.No.5965

+1cc to Mr.C.P.Sivamohan, Advocate, S.R.No.5730

CrI.R.C.No.1164 of 2017

RRK(21/02/2018)