

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM :

THE HON'BLE MR.JUSTICE P.N. PRAKASH

Crl.R.C. No.716 of 2011 & M.P. No.1 of 2011

1 Chandrakala
2 Minor Priyanka

Petitioners/Petitioner
vs.

Sangapillai

Respondent/Respondent

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. to set aside the order dated 27.02.2011 made in M.P. No.269 of 2010 in M.C. No.240 of 1999 on the file of the II Additional Family Court at Chennai and enhance the monthly maintenance for the petitioners at Rs.5,000/- each.

For revision petitioners Mr. T. Muruganantham
For respondent Mr. K. Chandu Suranjan

ORDER

This Criminal Revision Case has been preferred to set aside the order dated 27.02.2011 made in M.P. No.269 of 2010 in M.C. No.240 of 1999 on the file of the II Additional Family Court at Chennai (for short "the Family Court") and enhance the monthly maintenance for the petitioners at Rs.5,000/- each.

2 For the sake of convenience, the parties are referred to by their name.

3 Chandrakala, the first petitioner herein, got married to Sangapillai, the respondent herein and has a daughter by name Priyanka through the wedlock. On account of matrimonial discord, the spouses got estranged, resulting in Chandrakala filing M.C. No.240 of 1999 under Section 125 Cr.P.C. seeking maintenance before the Family Court against Sangapillai. Sangapillai entered appearance in M.C.No.240 of 1999 and after contest, the Family Court, by order dated 16.11.1999, awarded maintenance of Rs.500/- each, per month, to Chandrakala and her daughter Priyanka.

4 After a decade, Chandrakala filed M.P. No.269 of 2010 in M.C.No.240 of 1999 under Section 127 Cr.P.C. for enhancement of the maintenance amount, in which, after hearing both sides, the Family Judge, by order dated 27.02.2011, enhanced the maintenance amount from Rs.500/- each, per month, to Rs.1,250/-

each, per month, aggrieved by which, Chandrakala and her daughter are before this Court.

5 Chandrakala initially filed this revision petition through M/s.J.Nandagopal & J. Jyothi, advocates. After receipt of notice, Sangapillai entered appearance through M/s. K. Chandu Suranjan & N.Muthukumaran, advocates.

6 While so, M/s. Nandagopal and J. Jyothi have filed a memo dated 18.04.2018 withdrawing their appearance for Chandrakala and Priyanka. Hence, this Court issued notice to Chandrakala and Priyanka, which has returned with the endorsement of the Bailiff "Door locked - affixed".

7 Enquiries made by this Court with the Family Court, reveals that Chandrakala has filed M.P. Nos.276 of 2009 and 268 of 2010 for enforcing the order of maintenance by attachment, in which, she has not been appearing before the Family Court, for the last one year.

8 Under such circumstances, this Court appointed Mr.T.Muruganantham, advocate (Enrolment No.418 of 1985), who has a standing of more than three decades at the Bar, to represent Chandrakala and Priyanka.

9 Heard Mr. T. Muruganantham, learned counsel for Chandrakala and Priyanka and Mr. K. Chandu Suranjan, learned counsel for Sangapillai and scanned the records.

10 In the enquiry, it came to light that Sangapillai is working as Driver in the State Express Transport Corporation at Trichy drawing a gross monthly salary of Rs.13,698/-, his take home pay per month being Rs.6,283/-. Apart from that, he does not have any other source of income. Therefore, under such circumstances, the Family Court enhanced the monthly maintenance from Rs.500/- each to Rs.1,250/- each, which, in the opinion of this Court, cannot be said to be very low.

In view of the above discussion, this Criminal Revision Case fails as being bereft of any merit and is accordingly dismissed. However, it is made clear that the dismissal of this case will not be a bar for Chandrakala and Priyanka to file a fresh application under Section 127 Cr.P.C., in the future, seeking enhancement of maintenance, given the rise in cost of living. Connected M.P. is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

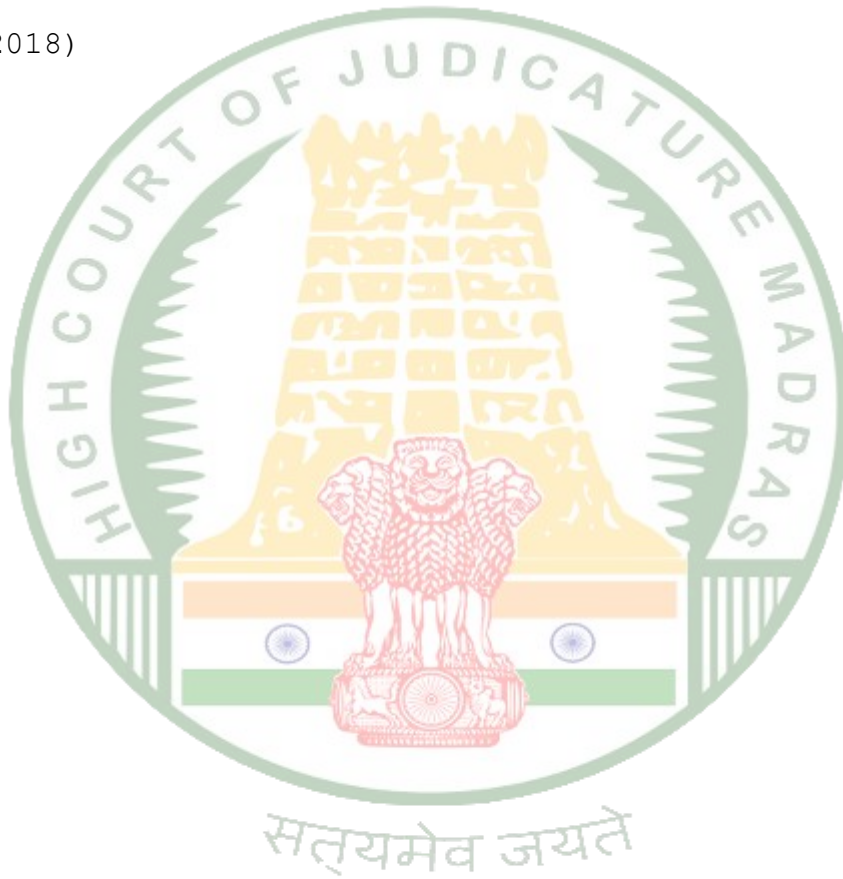
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To

1 The II Additional Family Judge
Chennai

+1 CC to Mr.T.Muruganantham, Advocate sr 85011.

Cr1.R.C. No.716 of 2011

BS (CO)
SP (21/12/2018)



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