

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Criminal Revision Case No.173 of 2011
and
M.P.No.1 of 2011

B.JayaramanPetitioner

..Vs..

1.Tmt.Santhi
2.Minor Raghuraman
3.Minor Deepa
4.Minor Kubendirean
(minor 2 to 4 rep by their
mother 1st respondent)Respondents

PRAYER: Criminal Revision Petitions filed under Section 397 read with 401 of the Criminal Procedure Code, to call for the records in M.C.No.66 of 2009 on the file of the learned Chief Judicial Magistrate, Vellore and revise the same.

For Petitioner : Mr.R.Karthikeyan

For Respondent 1 : Mr.D.A.Sugumar

O R D E R

This criminal revision petition had been filed by the petitioner/husband aggrieved by the order made in M.C.No.66 of 2009, dated 13.12.2010, fixing the monthly maintenance of Rs.2,000/- each to the wife, minor son and minor daughter respectively.

2. The petitioners in M.C.No.66 of 2009, are the wife and children of the petitioner in this criminal revision petition. From the records, it is seen that there is already a divorce case pending in H.M.O.P.No.23 of 2009 and wife and children are

living away from the petitioner. It is under these circumstances, the maintenance case came to be filed claiming Rs.2,000/- towards maintenance for each of the petitioners.

3. The Court below took into consideration Ex.R.6 and Ex.R.7, which are the Bank pass-books and also of the fact that the petitioner was having immovable properties and he is receiving agricultural income also. The Court below on rough estimate towards income of the petitioner, came to the conclusion that the petitioner must be earning not less than Rs.30,000/- every month.

4. The Court below after taking into consideration the fact that the wife and children have no other source of income and they have to maintain themselves, thought it fit to fix a sum of Rs.2,000/- per month for three of the petitioners.

5. During the pendency of this revision the third and fourth respondents have become major. The order of the Court below will enure to the benefit of the third and fourth respondents only for a period of six months and 50 months respectively, during which period they were minors.

6. By virtue of an interim order, the petitioner was directed to deposit a sum of Rs.31,000/- towards arrears of maintenance which was duly deposited and the first respondent has also withdrawn the same.

7. The Court below has taken into consideration the evidence available on record and has arrived at a conclusion that the first respondent/wife will be entitled to a monthly maintenance of Rs.2,000/-. This Court does not find any illegality or infirmity in the finding of Court below fixing the monthly maintenance of Rs.2,000/- for the first respondent. Therefore, the monthly maintenance insofar as the first respondent is concerned, is here by confirmed.

8. Insofar as the third and fourth respondents are concerned, they have already become major. Till their minority, the total amount maintenance fixed for them, would work out to a sum of Rs.56,000/- . Taking into consideration the passage of time, the petitioner is directed to deposit a sum of Rs.25,000/- to the credit of M.C.No.66 of 2009 within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the third and fourth respondents must be permitted to withdraw the said amount.

9. The criminal revision petition is disposed of by confirming the maintenance amount fixed insofar as the first respondent is concerned and modifying the maintenance amount insofar as the third and forth respondents are concerned, to the extent indicated the above. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

nmm

To

1.The learned Chief Judicial Magistrate,
Vellore.

2.The Additional Public Prosecutor,
Madras High Court, Madras.

+1cc to Mr.D.A.SUGUMAR, Advocate, S.R.No.53625

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