

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.R.C.No.983 Of 2009  
and  
MP.No.1 of 2009  
and  
Crl.OP.No.1159 of 2012

Subramaniam .... Petitioner  
in Crl R.C.No.983 of 2009

..Vs..

1.Lakshmi

2.Karthikeyan .... Respondents  
in Crl R.C.No.983 of 2009

1.Lakshmi

2.Minor Karthikeyan  
Minor represented by his mother  
Lakshmi .... Petitioners  
in Crl OP.No.1159 of 2012

..Vs..

Subramaniam .... Respondent  
in Crl OP.No.1159 of 2012

Prayer in Crl.R.C.No.983 of 2009

Criminal Revision case filed under Section 397 and 401 of Cr.P.C. to set aside the order dated 15.07.2009 made in M.C.No.11 of 2005 on the file of District Munsif-cum-Judicial Magistrate, Perundurai.

Prayer in Crl.O.P.No.1159 of 2012

Criminal Original Petition filed under Section 482 of Cr.P.C. to set aside the order dated 31.08.2010 made in C.M.P.No.3810 of 2009 in M.C.No.11 of 2005 on the file of District Munsif-cum-Judicial Magistrate, Perundurai.

Crl.R.C.No.983 of 2009

For Petitioner : Mr.P.Muthukumarasamy

For Respondents : Ms.M.Indira Priyadarshini  
for Mr.N.Manokaran

Crl.O.P.No.1159 of 2012

For Petitioners : Ms.M.Indira Priyadarshini  
for Mr.N.Manokaran

For Respondent : Mr.P.Muthukumarasamy

C O M M O N O R D E R

This Criminal Revision has been filed against the order passed in M.C.No.11 of 2005, dated 15.07.2009 filed by the respondents claiming for an enhancement of maintenance from Rs.400/- and Rs.300/- respectively to Rs.2000/- p.m. to each of them. The petitioner filed a counter affidavit to the extent that he has paid the amount already fixed in the M.C. and there is absolutely no ground for enhancement of maintenance amount. The respondent also took the ground that both of them are not living together and that he is already a senior citizen and that he is not in a position to pay.

2.The Lower Court on consideration of facts and circumstances of the case found it fit to enhance the amount of maintenance and fixed a sum of Rs.1,000/- p.m. payable to the 1<sup>st</sup> respondent who is the wife and a sum of Rs.750/- p.m. to the 2<sup>nd</sup> respondent who is the son. It was also made clear that the 2<sup>nd</sup> respondent will be entitled for the maintenance till he attains majority. Admittedly, even at the time when the revision was filed, the 2<sup>nd</sup> respondent was aged about 20 years. Therefore, the order of maintenance granted in favour of the 2<sup>nd</sup> respondent becomes in operational by virtue of his attaining majority.

3.The only person who is now entitled to enjoy the benefits of the order is the 1<sup>st</sup> respondent who is the wife. This Court does not find any illegality or perversity in the order passed by the Court below and therefore, absolutely there are no grounds to interfere with the order.

4.It is seen from the order that the enhanced amount has been directed to be paid from the date of filing of the petition i.e., from 29.04.2005. Taking into consideration of the fact that the petitioner is aged about more than 72 years and also of

the fact that the 2<sup>nd</sup> respondent has already become major and will not be entitled for any maintenance after he is attained majority, the order of the Court below is modified to the extent that the maintenance amount of Rs.1000/- fixed by the Lower Court will be liable to be paid by the petitioner to the 1<sup>st</sup> respondent effective from 15.05.2009 till date. The petitioner is further directed to pay a sum of Rs.750/- p.m. which was fixed for the 2<sup>nd</sup> respondent from 15.07.2009 till the date of attaining majority i.e., on 24.11.2009, to the 1st respondent.

5.The petitioner is directed to pay the entire arrears of the enhanced maintenance to the 1<sup>st</sup> respondent in two instalments. The 50% of the arrears of the enhanced maintenance will have to be paid within four weeks from today and balance 50% will have to be paid within 4 weeks thereafter.

6.With the above directions, the Criminal Revision stands disposed of.

7.In view of the orders passed in CrI.R.C.No.983 of 2009 no orders are required to be passed in Criminal O.P.No.1159 of 2009 and the same is closed. Consequently connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Kp  
To

The District Munsif- cum-  
Judicial Magistrate,  
Perundurai.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.36080  
+1cc to Mr.P.Muthukumarasamy, Advocate, S.R.No.36419

Copy To  
The Section Officer,  
Criminal section,  
High Court, Madras.

CrI.R.C.No.983 Of 2009  
and  
CrI.OP.No.1159 of 2012

Pa (co)  
cs/21/06/18