



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 10.04.2018

DELIVERED ON : 21.06.2018

CORAM

THE HONOURABLE MRS.JUSTICE R.THARANI

Cr1. R.C.(MD)No.244 of 2014

1.S.Saktheeswari

2.S.Venkatesh

(Now attained majority aged
about 21 years)

.. Petitioners

Vs.

N.Sirai Selvam

.. Respondent

Prayer : This revision case is filed under Sections 397(1) r/w. 401 of Cr.P.C., to call for the records pertaining to the order in M.C.No.84 of 2005 dated 25.11.2013 on the file of the Family Court, Madurai and set aside the same and enhance the amount of maintenance.

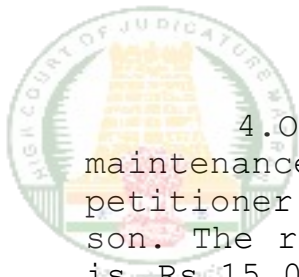
For Petitioners	: Mr.T.Lajapathi Roy
For Respondent	: Mr.R.Babu Jaganath

O R D E R

Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioners and Mr.R.Babu Jaganath, learned counsel appearing for the respondent.

2.This revision case has been filed to set aside the order passed by the Family Court, Madurai in M.C.No.84 of 2005 dated 25.11.2013.

3.The petitioners filed M.C.No.84 of 2005 before the Family Court, Madurai under Section 125 Cr.P.C., claiming maintenance of Rs.3,000/- (Rupees Three Thousand only) per month to each of the petitioners. The Family Court directed the respondent to pay a sum of Rs.1,500/- per month to the first petitioner towards monthly maintenance from the date of petition from 2010 onwards and also directed the respondent to pay a sum of Rs.2,000/- (Rupees Two Thousand only) per month to the second petitioner towards monthly maintenance from the date of petition till he attains majority.

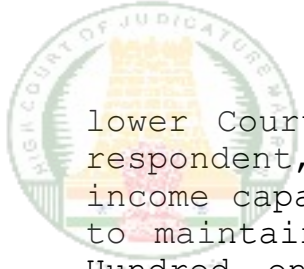


4. On the side of the petitioners, it is stated that maintenance amount is to be enhanced. It is stated that the petitioner is having two children and the claim is made for only one son. The respondent herein is working as a conductor and his income is Rs.15,000/- (Rupees Fifteen Thousand only) from the year 2005 onwards.

5. It is stated that due to harassment by the respondent, the first petitioner is not in a position to live with him and the first petitioner is not claiming any amount for the children and the properties suggested by the respondent is purchased from the income of the first petitioner's father who worked abroad. The first petitioner's father worked in foreign Country for 20 years and the amount given by him and with the jewels of the first petitioner, the house is constructed.

6. On the side of the respondents, it is stated that the respondent has filed a petition for conjugal rights and thereafter, the first petitioner filed maintenance case. After counselling, they lived together. Again, the first petitioner drove away the respondent and utilizing his house. The upstairs is leased out and a portion of the house is rented and the petitioners are enjoying all the income out of the property owned by the respondent. Afterwards, the respondent filed divorce petition. Even now the respondent is ready to live with the first petitioner. The first petitioner has stolen away Rs.2,00,000/- (Rupees Two Lakhs only) and has purchased a plot near Thepakulam in her name. With the amount spent by the respondent, one of the children completed B.C., M.B.A., and the second son who is the second petitioner has completed B.E., and he is working in Trichy. The petitioner is not in need of money. She has not filed any Execution Petition so far. No documents are produced to prove the income of the respondent. It is wrong to state that the father of the first petitioner constructed the house. Only the respondent has worked abroad and out of his income only, the house was constructed. It is stated that from the year 2013 onwards, the first petitioner has herein filed three complaints against the respondent.

7. Records perused. The marriage between the first petitioner and the respondent is not denied by the respondent. It seems that the respondent obtained decree of divorce against the first petitioner. It is stated that the first petitioner has filed so many petitions against the respondent herein. The petitioners fairly conceded that she need no amount towards maintenance for the second petitioner. Both the children have completed their education and they were employed. Though they were employed, the respondent cannot shrink away from his liability to pay the maintenance amount to his wife. How much is the lease amount or the rent amount and who is getting the lease amount and rent amount is not proved by the respondent herein. If there is any doubt regarding the ownership of the house, it can only be decided by way of civil case. This Court has to consider only whether the maintenance amount ordered by the



lower Court is correct or yet to be enhanced. On the side of the respondent, it is stated that there is no specific denial of the income capacity of the petitioners. It is the duty of the respondent to maintain his wife and Rs.1,500/- (Rupees One Thousand and Five Hundred only) is insufficient to meet out the expenses in the present day situations. Hence, the maintenance amount is to be enhanced in the interest of justice. The maintenance amount for the first petitioner is Rs.2,500/- (Rupees Two Thousand and Five Hundred only) will be reasonable.

8. With the above observation, this criminal revision case is partly allowed by setting aside the order passed by the lower Court. The maintenance amount for the first petitioner alone is enhanced to Rs.2,500/- (Rupees Two Thousand and Five Hundred only) per month. The maintenance amount of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) is to be paid to the first petitioner by the respondent on or before 5th of every english calendar month.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

The Family Court, Madurai.

+1 CC to Mr.R.BABU JAGANATH, Advocate in SR.No.69693

+1 CC to Mr.T.LAJAPATHI ROY, Advocate in SR.No.69292

MRN

RJ/RP/SAR-3/17/07/2018 - 3P/4C

Crl. R.C. (MD) No.244 of 2014

21.06.2018