



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2018

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Cr1.R.C.[MD]No.649 of 2017

1.A.Sripriya
2.Minor. R.B.Pravin Manesh
3.Minor R.B.Sushmithaa
[Minor respondents 2 & 3 are rep. by their mother
and natural guardian 1st respondent herein] : Petitioners

Vs.

R.Balamurugan : Respondent

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of Criminal Procedure Code, calling for the records pertaining to M.C.No.177 of 2015 dated 26.10.2016 by the Family Court, Madurai and set aside the same.

For Petitioner : Mr.N.Sekar
For Respondent : Mr.C.Mahadevan
for Mrs.A.L.Gandhimathi

O R D E R

This revision petition is filed seeking enhancement of maintenance.

2.The brief facts of the case is that the first petitioner and the respondent got married on 30.06.2002. They are blessed with two children by name Pravin Manesh and Sushmithaa. Earlier, they were employed and living in Singapore for some time. Thereafter, they have returned to India. Presently, the first respondent is employed abroad. Admittedly he is earning Rs.1,80,000/- Indian Rupees. Pointing out his admission, the present revision petition is filed stating that Rs.3,000/- per month fixed for each of the petitioners is very meagre and considering the cost of living, so the maintenance amount has to be enhanced.

3.On going through the records and the reasons stated by the petitioner herein for enhancement of the maintenance amount, this Court finds that the first petitioner herein is also a qualified person capable of making income on her own. It is admitted that the first petitioner was employed before marriage and was earning Rs.25,000/- per month. Though, now she states



that she is not employed, the capacity of the first petitioner to make her livelihood should also be taken note of which the trial Court has considered and fixed Rs.3,000/- as maintenance for each of the petitioners. The educational expenses is also to be taken care of by the first respondent.

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4.In such circumstances, this Court does not find any reason to interfere with the order of the trial Court regarding maintenance. However, the impugned order was passed exactly two years ago and due to escalation of price and cost of living, there must be some modification of the maintenance amount. Hence, considering the admitted income of the respondent, the likelihood of the expenses the respondent living abroad will incur and the expenses to be met out by the first petitioner to take care of their teenage children, this Court is of the view that Rs.3,000/- awarded as maintenance amount to the second and third petitioners shall be enhanced to Rs.4,500/- per month, which shall be payable from 01.10.2018.

5.It is also directed to the respondent that he, apart from the monthly maintenance shall also take care of the medical and education expenses of the second and third petitioners as and when arises.

5.This Criminal Revision Case is disposed of, accordingly.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Judge Family Court,
Madurai.

+1 CC To MR.AL.GANTHIMATHI, Advocate SR. NO. 89324

+1 CC To MR.N.SEKAR, Advocate SR. NO. 89386

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MR

TR/SKN/SAR-I (23.10.2018) 2P 4C