



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON: 20.06.2018
DELIVERED ON : 29.06.2018
CORAM :

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI.R.C.(MD) No.729 of 2017
and
CrI.M.P.(MD)No.8461 of 2017

S.Ramesh ... Revision Petitioner/
Respondent

Vs.

1.R.Malathi
2.R.Ilakkiyalakshmi
3.Minor R.Prithikavani

Represented by first respondent mother ... Respondents/Petitioners

Prayer:- Criminal Revision Petition filed under Sections 397 r/w. 401 of the Code of Criminal Procedure, 1973, to call for the records pertaining to the order passed in M.C.No.29 of 2016 dated 31.07.2017 on the file of the learned Chief Judicial Magistrate, Ramanathapuram and set aside the same.

For Petitioner : Mr.T.Thirumurugan

For Respondent No.1 : Mr.H.Velavadas

ORDER

Heard Mr.T.Thirumurugan, learned counsel appearing for the petitioner and Mr.H.Velavadas, learned counsel appearing for the first respondent.

2.This petition has been filed to set aside the order passed in M.C.No.29 of 2016 dated 31.07.2017 on the file of the learned Chief Judicial Magistrate, Ramanathapuram.

3.The revision petitioner and the first respondent are husband and wife. Their marriage was solemnized on 09.09.1995 and they are having two children. The above said facts are admitted by both the parties. The wife of the petitioner filed a petition for maintenance on behalf of herself and her children in the year 2016. After hearing both sides, the learned Chief Judicial Magistrate, Ramanathapuram has passed an order directing the petitioner herein to pay a compensation of Rs.8,500/- (Rupees Eight Thousand and Five Hundred only) per month as maintenance amount.

4.On the side of the petitioner, it is stated that the petitioner is working as an Assistant in the Collectorate,



Ramanathapuram and he is earning a sum of Rs.24,000/- (Rupees Twenty Four Thousand only) per month. This fact was also not denied by the petitioner.

5. On the side of the petitioner, it is further stated that the petitioner is physically challenged person having 70% disability and he is having a sister who is a mentally ill person and the petitioner has to take care of her and the petitioner is paying the college fees and school fees for his children and all the respondents are residing under the same roof with him. It is further stated that paying Rs.8,500/- (Rupees Eight Thousand and Five Hundred only) per month towards maintenance for the respondents is difficult for the petitioner since the petitioner is taking care of the expenses of the children and his sister.

6. On the side of the respondents, it is stated that the petitioner is having illicit intimacy with one Banumathi who is working in Rehabilitation Centre for mentally retarded people and the petitioner has given his two wheeler to that lady and whenever it was questioned by the first respondent herein, the petitioner used to torture her.

7. Records perused. A perusal of the records reveals that the second respondent is doing third year Engineering in Sethu Institute of Technology and the third respondent is studying in the School. The fact that the petitioner is paying the College and School fees is not denied by the respondents and the petitioner and the respondents are living together in the same house under the same roof. The fact that the petitioner's sister is a mentally ill person is not denied by the respondents and that the documents for the same is filed along with the petition. The second respondent has already attained majority and she might have completed her Engineering by now. Whether the second respondent is working or not is not elicited in the petition.

8. Considering the facts and circumstances of the case, this Court deems it fit to modify the order passed by the trial Court and the lower Court order is modified to that effect that the revision petitioner is directed to pay a monthly maintenance sum of Rs.2,000/- (Rupees Two Thousand only) for the first and second respondents and a sum of Rs.3,500/- (Rupees Three Thousand and Five Hundred only) for the third respondent totally Rs.7,500/- (Rupees Seven Thousand Five Hundred only) as maintenance amount. This Criminal Revision case is disposed of. Consequently, CrI.M.P.(MD) No.8461 of 2017 is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To
The Chief Judicial Magistrate,
Ramanathapuram.

+1CC to Mr.H.VELAVADHAS, Advocate, SR.No.70419

+1CC to Mr.T.Thirumurugan, Advocate, SR.No.70394

Crl.R.C.(MD) No.729 of 2017
29.06.2018

MRN

ES/SKN/RSK/SAR 1/06.07.2018/3P/4C