



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.09.2018**

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Cr1.R.C.(MD)No.206 of 2016

1.R.Jebarani
2.Kirupa Mary
3.Hepsheba Bulia

...Petitioners/1 to 3 Respondents/
Petitioners

Vs.

1.Ravindran

...1st Respondent/Appellant/
1st Respondent

2.Deputy Traffic Manager,
V.O.Chidambaranar
Port Trust, Traffic Department,
Cargo Handling Division,
Thoothukudi.

...2nd Respondent/4th Respondent/
2nd Respondent

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the Cr1.Appeal.No.12 of 2015 on the file of the I Additional Sessions Court, Thoothukudi and set aside the order dated 08.01.2016 by confirming the order dated 03.06.2014 passed in Cr.M.P.No.4354 of 2013 on the file of the Judicial Magistrate No.II, Thoothukudi in Cr No.6092/2008.

For petitioner: Mr.A.Haja mohideen

For R1 : Mr.R.Vijayakumar

For R2 : Mr.V.Neelaveni

ORDER

Heard the learned counsel for the revision petitioner and the learned counsel for the respondents.

2.The contention of the revision petitioner herein is in respect of the date from which the enhanced maintenance to be paid to the petitioners 2 and 3. The trial Court has refixed the maintenance by its order dated 01.11.2012 and modified that maintenance amount to be paid from 01.11.2012. However, the petitioners' contention is that it should be reckoned from the



date of filing the M.C. This Court, after hearing the parties had passed the following orders.

"The grievance of the revision petitioners is that the arrears of maintenance fixed at Rs.2,000/- + Rs.500/- for the petitioners herein, have not been properly reckoned with and the Court below, which has fixed the maintenance as on 01.01.2016 is not correct, whereas the arrears of maintenance should have been reckoned from 01.11.2012."

3.Today (27.09.2018), the learned counsel appearing for the first respondent had submitted that the parties were directed to file a memo of calculation to ascertain whether there is any arrears in payment, if the enhanced maintenance is to be reckoned from 01.11.2012. The first respondent has filed a salary slip. The garnishee has furnished details about the pension particulars of the first respondent. From the salary slip furnished by the first respondent, it appears that Rs.5,000/- is deducted from the salary by the garnishee from the month of November, 2012. Therefore, there cannot be any further claim regarding arrears of maintenance as fixed by the Court below.

4.So far as, the retirement benefits is concerned and the submission made by the first respondent that the second petitioner got married and there is no need for her to be maintained by her father. These points can be adjudicated before the trial Court. If any modification regarding the maintenance payable to the second petitioner is required, it is open to the first respondent to approach the trial Court for modification. So far as, the other points raised in the revision petition, does not deserve any consideration.

5.Accordingly, this Criminal Revision Case is disposed of.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1. The Additional Sessions Judge,
Thoothukudi.



2. The Judicial Magistrate No.2,
Thoothukudi.

+ 1 CC TO MR.R.VIJAYAKUMAR, ADVOCATE IN SR NO.87646

PNN

BU/PM/SAR-III:01.11.2018 :3P/4C

ORDER MADE IN
CrI.R.C. (MD) No.206 of 2016
27.09.2018