

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.R.C.Nos.260 of 2019

1.Jayasudha
2.Gayathri (Minor)
3.Haripriya (Minor) ... Petitioners
(2nd and 3rd Petitioners rep.by
1st Petitioner her mother and
natural Guardian)

Vs

Murugan ... Respondent

PRAYER: Criminal Revision Case filed under Article 397 r/w 401 of Criminal Procedure Code to revise the order passed by the learned Judge, Family Court, villupuram in M.C.No.40 of 2016 and to enhance the monthly maintenance of Rs.10,000/- for the first petitioner and to Rs.5,000/- each per month for the second and third petitioners.

For Petitioners : Mrs.A.Rajeswari Karthikeyan

For Respondent : Mr.R.arun Dattan

O R D E R

This Criminal Revision Case has been filed to revise the order passed by the learned Judge, Family Court, Villupuram, in M.C.No.40 of 2016 and to enhance the monthly maintenance to Rs.10,000/- from the award amount of Rs.5,000/- for the first petitioner and Rs.5,000/- each per month towards her minor children i.e., the 2nd and 3rd petitioners.

2. The 1st petitioner is the wife and the respondent is the husband. The marriage between the 1st petitioner and the respondent was solemnized on 24.03.2008 at Villupuram, as per the Hindu Rites and Customs. After the marriage, both of them lived together in a Matrimonial Home. They gave birth to two female children. Due to the difference of opinion the 1st

petitioner left the Matrimonial home along with her minor children.

3. Subsequent to that, the petitioners filed a petition before the Family Court, Villupuram, under Section 125 Cr.P.C., in M.C.No.40 of 2016 for maintenance. After hearing the matter elaborately the learned Family Court Judge, Villupuram, partly allowed the petition and awarded a sum of Rs.5,000/- per month for the 1st petitioner and Rs.2,000/- each per month for the 2nd and 3rd petitioners.

4. The learned counsel appearing on behalf of the petitioner would submit that, the Family Court, Villupuram, failed to consider the agricultural and other income of the respondent, apart from his monthly salary derived from his job. The respondent herein working in Tamilnadu Electricity Board as assessor and earning more than Rs.30,000/- per month. The learned Counsel would further submit that the 1st petitioner is now living in a rental house, the 2nd and 3rd petitioners are 9 and 7 years old and they are going to school. The revision petitioners are suffering a lot for their day to day expenses like educational, transport, medical and for food and clothing etc., The 1st petitioner is literally starving to maintain the 2nd and 3rd petitioners and finding it difficult to pay their educational expenses. Hence, the maintenance amount of Rs.5,000/- per month for the first petitioner and Rs.2,000/- each per month for the second and third respondent is not sufficient. Hence, the 1st revision petitioner has filed a revision case for the enhancement of the said maintenance was awarded by the learned Family Court Judge, Villupuram.

5. The learned counsel for the respondent would submit that the Family Court Villupuram awarded a sum of Rs.5000/- per month to the 1st petitioner and Rs.2,000/- each per month to the 2nd and 3rd petitioners which is very exorbitant . Accordingly, the same needs no interference of this Court.

6. Heard, both sides. Perused the records.

7. Considering the facts and circumstances of the case, this Court finds the maintenance amount awarded by the learned Family Court Judge, Villupuram, is very meagre. As a husband, he is having a duty to maintain his wife and as a father he has the responsibility to maintain his children. Hence, the maintenance amount of Rs.5,000/- per month for the 1st petitioner and Rs.2,000/- each per month for the 2nd and 3rd petitioners is not sufficient. Since respondent has sufficient means, this Court is inclined to enhance the maintenance amount of the 2nd and 3rd petitioners of Rs.4,000/- each instead of

Rs.2,000/- awarded by the learned Family Court Judge, Villupuram. Accordingly, this Criminal Revision is partly allowed.

Sd/-
Assistant Registrar (CS-III)

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Sub Assistant Registrar

sbn/vkr

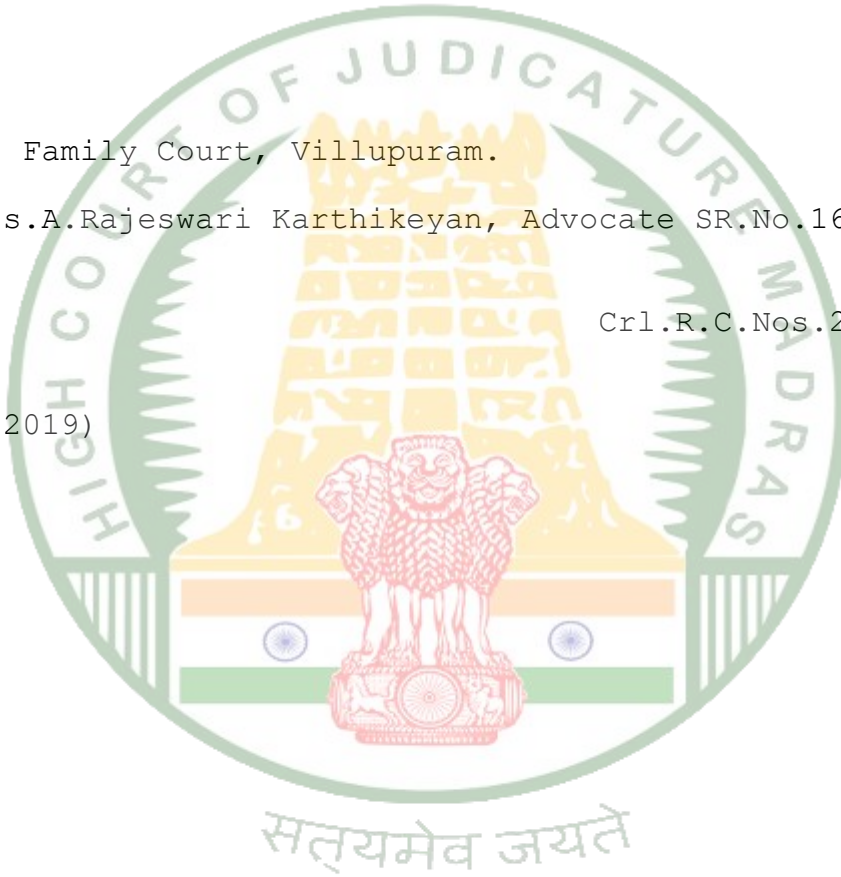
To

The Judge, Family Court, Villupuram.

+1cc to M/s.A.Rajeswari Karthikeyan, Advocate SR.No.16474

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SS (CO)
GMY (10/05/2019)



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