

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.857 of 2013

and

MP.No.1 of 2013

Antony Raj @ Kamalraj

.. Petitioner

Vs

Mary Elizabeth Rani

.. Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C., praying to set aside the order dated 22.10.2009 passed in Crl.M.P.No.257 of 2009 in MC.No.12 of 1979 on the file of the Family Court, Pondicherry.

For Petitioner : Mr.V.Ayyadurai

For Respondents: No Appearance

O R D E R

This Criminal Revision has been filed to set aside the order dated 22.10.2009 passed in Crl.M.P.No.257 of 2009 in MC.No.12 of 1979 by the learned Family Court Judge, Pondicherry.

2. The revision petitioner is the husband and the respondent is the wife. It is seen from the records that in the year of 1979, the respondent/wife received a sum of Rs.150/- per month as maintenance from the petitioner/husband. Subsequently, in the year of 1986, the said amount of Rs.150/- was enhanced to Rs.250/- per month. Lastly, the respondent filed a petition under Section 127 of Cr.P.C in Crl.MP.257 of 2009 in MC.No.12 of 1979 seeking to enhance the maintenance amount from Rs.400/- to Rs.4000/-. The learned Magistrate, after considering various aspects and also the change of circumstances, vide order dated 22.10.2009, enhanced the maintenance amount from Rs.400/- to Rs.1,500/-. Challenging the said order, the husband filed the present revision before this Court.

3. The learned counsel for the petitioner seeks adjournment. None appeared on behalf of the respondent. Since the case is pending from 2013, this Court is inclined to dispose of the case on merits. Perused the entire materials available on record.

4. It is seen from the records that the respondent/wife initially filed a case under Section 125 of Cr.P.C in M.C.No.12 of 1979 seeking maintenance before the learned Chief Judicial Magistrate, Pondicherry. After 30 years, she filed a petition in Cr.MP.No.257 of 2009 in MC.No.12 of 1979 for further enhancement of maintenance from Rs.400/- to 4,000/- per month. The petitioner has pleaded that he has no means to pay Rs.4000/- and therefore, contested the case. However, the Family Court Judge has found that the respondent/wife has no means to maintain herself and the award amount of Rs.400/- is not sufficient to maintain her and hence, enhanced the maintenance amount to Rs.1,500/- per month.

5. Considering the change of circumstances and also the age of the respondent, this Court does not find any perversity in the order passed by the learned Magistrate. Accordingly, this Criminal Revision Case is dismissed. The order 22.10.2009 passed in CrI.M.P.No.257 of 2009 in MC.No.12 of 1979 by the Family Court Judge, Pondicherry, is hereby confirmed. The revision petitioner is directed to deposit the entire arrears of maintenance from the date of filing the maintenance case till today into the Court below. The revision petitioner is also directed to pay the monthly maintenance amount of Rs.1,500/- to the respondent as directed by the Court below. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(Insp cell)

//True Copy//

Sub Assistant Registrar

KMI

To

1.The Judge,
Family Court,
Pondicherry.

2.Antony Raj @ Kamalraj,
S/o.Late D.Susairaj,
No.26, Infant Villa,
Bhagya Layout, T.C.Palya,
K.R.Puram, Bangalore

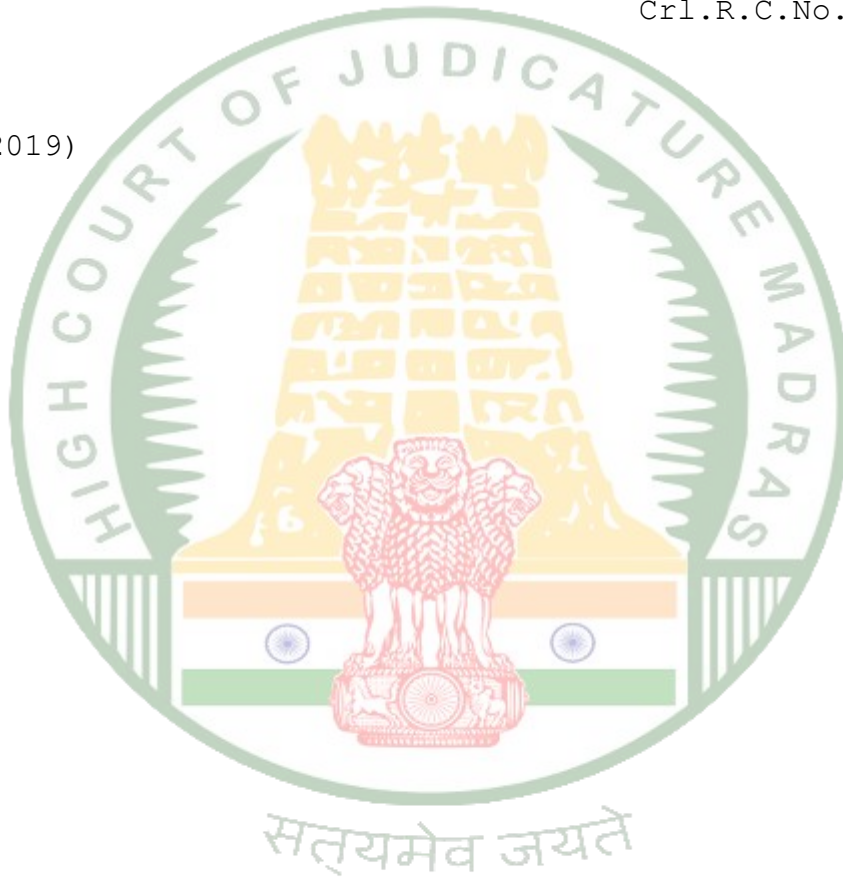
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3.Mary Elizabeth Rani,
W/o, Antony Raj @ Kamalraj,
No.16, Bharathi Nagar,
Kurunchi Street,
Ariyankuppam,
Pondicherry.

Copy to: The Section Officer,
Criminal Section(Records)
High Court, Madras.

Cr1.R.C.No.857 of 2013

RR(CO)
CB(30/10/2019)



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