

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.292 of 2018

1. P.R.Shobana
 2. Minor Girishalini
 3. Minor Jagathvarshan
- (Minors are represented by their
natural Guardian i.e.1st petitioner)

...Petitioners

-Vs-

Saran @ Saravanan

...Respondent

Prayer:-

This Criminal Revision Petition is filed under Sections 397 read with Section 401 of Cr.P.C.to enhance the maintenance amount in F.C.M.C.No.48 of 2016 dated 20.06.2017 passed by the Family Court at Dharmapuri by allowing this criminal revision.

For Petitioner : Mr.Ma.P.Thangavel

For Respondents : Mr.R.Sankarasubbu

O R D E R

The respondent is husband and 1st petitioner is wife and petitioners 2 & 3 are their children. The petitioners have filed a case under Section 125 of Cr.P.C. before the Family Court, Dharmapuri, seeking interim maintenance, which was taken on file in F.C.M.C.No.48 of 2016. The learned Judge, after adverting to the materials placed on record, by order dated 20.06.2017 awarded Rs.8000/- p.m. to the first petitioner, Rs.3000/- p.m. to petitioners 2 & 3 each and Rs.50,000/- towards educational expenses for two children per annum, against which, the petitioners have filed the present revision seeking enhancement of the maintenance.

2 According to the learned counsel for the petitioners, the respondent is employed as Teacher in Government School and earning more than Rs.50,000/- p.m. and proof for the same also

produced before the Court below. Even though, the Court below has awarded only a meagre amount as maintenance and hence the same has to be enhanced. He has placed his reliance on the decision of the Hon'ble Supreme Court reported in 2018 SCC Online SC 1643 (Reema Salkhan vs. Sume Sing Salkan).

3 According to the learned counsel for the respondent/husband, the respondent has filed a petition for restitution of conjugal rights before the Sub Court Harur. The petitioners without any valid reason deserted the respondent and living separately and hence the respondent is not liable to maintain the first petitioner. He has also placed reliance on the decisions of Division Bench of this Court reported in 2018 (5) CTC 27 (Ashok Subramaniam vs. C. Srividhya).

4 Heard the learned counsel appearing on either side and perused the materials placed on record.

5 The scope of Section 125 of Cr.P.C is very clear and it is only an interim arrangement to get maintenance for herself and children. The petitioners have not filed any suit for permanent alimony. The trial Court considering the materials placed on record and after hearing both the parties had awarded Rs.8,000/- p.m. to 1st petitioner, Rs.3,000/- to petitioners 2 and 3 each and Rs.50,000/- towards educational expenses for the children, in which this Court does not find any illegality or infirmity.

6 Accordingly, this criminal revision case is dismissed. However, the petitioners are at liberty to workout their remedy in the manner known to law.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

The Family Court, Dharmapuri.

+1cc to Mr.Ma.P.Thangavel, Advocate, S.R.No.10962

Cr1.R.C.No.292 of 2018

NRL(CO)
CS/14/03/2019