

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.424 of 2018 and
Crl.M.P.No.5228 of 2018

Ramesh Kumar

... Petitioner/Respondent

Vs

1.Thiripurasundari

2.Minor Janani

...Respondents/Petitioner

(Rep by her Mother Thiripurasundari)

PRAYER: Criminal Revision Petition filed under Article 397 r/w 401 of Criminal Procedure Code to call for the orders passed in F.C.C.M.P.No.23 of 2014 dated 11.11.2016 by the learned Family court, Vellore, and set aside the same.

For Petitioner : Mr.R.S..Kirubakaran

For Respondents: Mr.R.Bhagawat Krishna

O R D E R

This Criminal Revision case has been filed to set aside the order passed in F.C.M.P.No.23 of 2014 dated 11.11.2016 passed by the learned Family court, Vellore District.

2. The petitioner is the husband and the first respondent is the wife, and the second respondent is the minor daughter of the petitioner and the first respondent. The marriage between the petitioner and the first respondent was solemnized on 20.08.2000 as per the Hindu Rites and Customs. After, the marriage they lived together in a Matrimonial home. Out of their wedlock they blessed with one child. Subsequently, some misunderstanding arose between them. Due to the difference of opinion the first respondent left the Matrimonial home along with the second respondent.

3. There after the respondents filed a case under Section 125 Cr.P.C., before the chief Judicial Magistrate, Vellore in M.C.No.21 of 2005 for the maintenance. After two years, the Chief Judicial Magistrate passed an order dated 12.03.2007 by awarding a sum of Rs.1000/- per month to the first respondent and Rs.500/- per month to the second respondent towards

maintenance.

4. After seven years the respondents filed a petition under Section 127 of Cr.P.C., for enhancing the award amount for the maintenance before the Family Court, Vellore District, in F.C.C.M.P.No.23 of 2014. After the elaborate enquiry, the learned Judge, enhanced the award amount of first respondent is Rs.3,500/- from Rs.1,000/- and for the second respondent is Rs.4,000/- from Rs.500/-. As against the said order the petitioner herein filed a present revision case before this Court.

5. The learned counsel for the petitioner would submit that, the respondent left the Matrimonial home without any valid reasons. Thereafter, the respondents filed a petition for maintenance before the learned Chief Judicial Magistrate, Vellore. After the proceedings, the learned Chief Judicial Magistrate awarded a sum of Rs.1,000/- to the first respondent and Rs.500/- to the second respondent. Further, they filed a petition under Section 127 of Cr.P.C., before the Family Court, Vellore for enhancing the award amount for maintenance. The learned Judge enhanced the amount as Rs.3,500/- to the first respondent and Rs.4,000/- to the second respondent, which is very exorbitant. Hence, the learned counsel prays to allow this revision case.

6. The learned counsel for the respondents would submit that, the Family Court, Vellore awarded a Sum of Rs.3,500/- and Rs.4,000/- per month to the respondents respectively for maintenance. The second respondent is studying in a college, considering the cost of living and other expenses the award amount passed by the learned Family Court Judge, is not sufficient. Hence, the learned counsel prays to dismiss the said order.

7. Consider the facts and circumstances of this case, the marriage between the petitioner and the first respondent is not disputed and the paternity of the child is also not in dispute. The respondents filed a case under Section 125 Cr.P.C., for maintenance before the Chief Judicial Magistrate, Vellore, the learned Magistrate awarded totally a sum of Rs.1500/- to the respondents towards maintenance.

8. Further, after seven years the respondents filed a petition under Section 127 Cr.P.C., for enhancing the award amount before the Family Court, Vellore in F.C.C.M.P.No.23 of 2014 after the enquiry the learned Family Court Judge, Vellore enhanced the award amount and awarded a sum of Rs.3,500/- to the first respondent and Rs.4,000/- to the second respondent towards maintenance, considering the cost of living and other expenses which is not sufficient for them and being a lady it is very

difficult for her to take care of herself along with her daughter.

9. Therefore, there is no need to interfere with the order passed by the trial Court, this Court does not find any merits in this revision case. Accordingly, this Criminal Revision Case is dismissed.

10. The petitioner is directed to deposit the entire enhanced arrears of maintenance amount within a period of two (2) months from the date of receipt of copy of this order.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

To

1. The Chief Judicial Magistrate,
Vellore.

2. The Judge,
The Family Court,
Vellore.

3. The Record Keeper
Criminal Section
High Court, Madras 104.

+1 CC to Mr. R. S. Kirubakaran, Advocate sr 25871.

सत्यमेव जयते

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AK (CO)
SP (20/03/2019)

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