

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.27334 of 2017

K.Venugopal

...Petitioner

-Vs-

1.Minor Poornima

2.Minor Dinesh

(Minor petitioners represented by their mother/guardian
V.Rathinavalli, W/o.V.Venugopal, Residing at No.5C/4,
TNHB Government Quarters,
Opposite to Collectorate,
Sathuvachari,
Vellore.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the order in respect of the order passed by the learned Family Court Judge, Vellore, in C.M.P.No.34 of 2017 in M.C.No.21 of 2008, dated 21.02.2017 and set aside the same and further direct the learned Family Court Judge, to take steps to recover the excess amount of maintenance paid to the respondents herein.

For Petitioner : M/s.D.Rajagopal

ORDER

This petition has been filed challenging the order passed by the Court below attaching 1/3rd salary of the petitioner to be paid towards arrears of maintenance.

2. The learned counsel for the petitioner submitted that even as per the birth certificate, the first respondent became major on 15.04.2013 and the second respondent became major on 04.11.2014 and therefore the Court below ought to have calculated the arrears of maintenance only till the respondents attained majority and the Court below went wrong in calculating the arrears of maintenance even after the respondents attained majority. Therefore to that extent, the learned counsel submitted that the order of the Court below needs to be modified.

3. Taking into consideration, the facts and circumstances of the case and the materials available on records and the

submissions of the learned counsel for the petitioner, the arrears of maintenance shall be calculated as follows.

Period	1st respondent	2nd respondent	Total
04.08.2012 to 03.08.2013	9 months x 3000 = Rs.27,000	12 months x 3000=Rs.36000	Rs.63,000 /-
04.08.2013 to 03.08.2014	Nill	12 months x 3000=Rs.36000	Rs.36,000 /-
		Total	Rs.99,000 /-

4. The total arrears of maintenance according to the above calculation work out to a sum of Rs.99,000/- and to that extent the order of the Court below requires modification.

5. It is seen from records that this Court has not granted any stay of the operation of the order passed by the Court below. Therefore, the 1/3rd salary of the petitioner should have been deducted towards the arrear till now. If the deduction has crossed the above modified amount, the employer of the petitioner shall stop deducting any amount from the salary of the petitioner. If the deduction has not covered the above said modified amount, the deduction of salary shall be done and arrears shall be paid.

6. This Criminal Original Petition is disposed of with a above direction.

Sd/-
Assistant Registrar

//True copy// सत्यमेव जयते

Sub Assistant Registrar

ub

To
The Family Court, Vellore.

+1cc to Mr.D.Rajagopal, Advocate SR.No.48423

Cr1.O.P.No.27334 of 2017

CP (CO)
GMY (02/07/2019)