

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1329 of 2018 and

Crl.M.P.No.15628 of 2018

Thirumoorthi Kannan

... Petitioner

Vs

1.Revathi

2.Minor Bharathi Shri

... Respondents

PRAYER: Criminal Revision case filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order in M.C.No.19 of 2014 dated 16.08.2018 on the file of the Learned Chief Judicial Magistrate, Perambalur.

For Petitioner : Mr.T.Sai Krishnan

For Respondents: Mr.C.Sangamithirai

O R D E R

This Criminal Revision case has been filed to set aside the order in M.C.No.19 of 2014 dated 16.08.2018 on the file of the learned Chief Judicial Magistrate, Perambalur.

2. The petitioner is the husband and the first respondent is his wife, the second respondent is their minor daughter. The marriage between the petitioner and the first respondent was solemnized on 18.10.2012 as per the Hindu rites and customs at V.R.S.S.puram. After the marriage, they lived together in the Matrimonial home. Thereafter, they have blessed with one female child. Due to the difference of opinion arose between them, the first respondent left the Matrimonial home along with the minor child.

3. Thereafter, the first respondent filed a case under Section 125 of Cr.P.c, for maintenance before the learned Chief Judicial Magistrate, Perambalur, in M.C.No.19 of 2014. After elaborate enquiry, the learned Chief Judicial Magistrate, awarded a sum of Rs.7,000/- to the first respondent and Rs.5,000/- to the second respondent towards maintenance, against which, the petitioner filed a present Revision Case before this Court.

4. Subsequent to that, the first respondent filed a petition before the learned Subordinate Judge, Perambalur, in

H.M.O.P.No.100 of 2016 for divorce, and got divorce from the petitioner.

5. The learned counsel appearing on behalf of the petitioner would submit that, the first respondent voluntarily left the Matrimonial home, and she admits that she is a M.Sc. Graduate, and she was working in the Padma Srinivasan Memorial Matriculation School, till 20.10.2017, and she was earning a sum of Rs.8,000/-. So, the first respondent is able to maintain herself and her child. Moreover, the award passed by the learned Chief Judicial Magistrate, for a sum of Rs.7,000/- and Rs.5,000/- to the first and second respondents as maintenance is highly excessive. Hence, he prays to allow this Revision case.

6. The learned counsel for the respondent would submit that, the petitioner is working as a Government teacher and getting an attractive salary. The award passed by the learned Chief Judicial Magistrate, for a sum of Rs.7,000/- to the first respondent and Rs.5,000/- to the second respondent as maintenance is not sufficient, considering the cost of living and other expenses. Hence, the learned counsel prayed for dismissal of the Revision Case.

7. Heard both sides and perused the records.

8. Considering the above submissions made on either side, as a dutiful husband as well as the father, he has the responsibility to take care of the respondents herein. Further, this Court feels that the amount awarded by the trial Court towards maintenance is not sufficient. Since, divorced wife is also entitled to get maintenance and merely getting meagre amount is not a ground for disallowing the maintenance to the wife. Hence, this Court is inclined to enhance the maintenance amount from Rs.5,000/- to Rs.10,000/- per month to the second respondent/minor daughter and there is no change in the maintenance amount awarded to the first respondent/wife. It is seen that the trial Court awarded a sum of Rs.7,000/- to first respondent and Rs.5,000/- to the second respondent for maintenance is not sufficient. So this Court is inclined to enhance the maintenance amount to the second respondent from Rs.5,000/- to Rs.10,000/-. The petitioner is directed to pay a sum of Rs.7,000/- to the first respondent and Rs.10,000/- per month to the second respondent from the date of petition.

9. With the above modifications, this Criminal Revision Case is disposed of. Consequently, the connected Criminal Miscellaneous Petition is closed

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbn/tta

To

1.The Learned Chief Judicial Magistrate,
Perambalur

2.The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.T.Sai Krishnan, Advocate sr.15706

+1cc to Mr.C.Sangamithirai, Advocate sr.no.14980(09/05/19)

Cr1.R.C.No.1329 of 2018 and
Cr1.M.P.No.15628 of 2018

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