



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2019

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C. (MD)No.663 of 2018

and

Crl.M.P. (MD) .No.10781 of 2018

WEB COPY

S.Sivapandi

... Petitioner

Vs.

1.K.Sharadha

2.S.Sindhana Sri

3.S.Sarithra

... Respondents

Prayer:- The Criminal Revision Petition is filed under Sections 397 (1) r/w. Section 401 of Cr.P.C., against the order passed by the learned Additional Chief Judicial Magistrate, Madurai in M.C.No.11 of 2018, dated 24.09.2018.

For Petitioner : Mr.S.Mahendrapathy

For Respondents : M/s.S.Devasena

O R D E R

The criminal revision petition is filed against the order passed by the learned Additional Chief Judicial Magistrate, Madurai in M.C.No.11 of 2018, dated 24.09.2018.

2. The petitioner is the husband, the first respondent is the wife and the respondents 2 and 3 are the daughters. The respondents have filed the M.C.No.11 of 2018 before the learned Additional Chief Judicial Magistrate, Madurai seeking maintenance from the revision petitioner. By order dated 24.09.2018, the learned Chief Judicial Magistrate dismissed the maintenance case as against the first respondent and awarded Rs.4,000/- each to the minor children. Challenging the said award, the husband has filed the present Criminal Revision Petition stating that it is a higher side.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an Ex-serviceman and so far he has not been re-employed and his source of income is only the pension of Rs.14,000/-. However, the first respondent is working as a teacher and the petitioner is an Ex-serviceman and during retirement, he got a lump sum amount. However, now he is getting only the pension amount.

4. Considering the facts and circumstances of the case, this Court is inclined to modify the award amount from Rs.4,000/- to Rs.3,500/-. However, since the respondents 2 and 3 are the minor children, they are at liberty to file a petition, in case the

petitioner get a re-employment and any other source of income, in addition to the above.

5. With the above observations, this criminal revision petition is partly allowed and the award amount is modified from Rs.4,000/- to Rs.3,500/- and the revision petitioner is directed to deposit the amount in any one of the Nationalised Bank. The first respondent is directed to withdraw the amount without filing any formal applications. The revision petitioner is directed to pay the maintenance amount of Rs.3,500/- each, on or before 5th of every English Calender month. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

akv

To

The Additional Chief Judicial Magistrate,
Madurai.

+1 CC to M/s.S. DEVASENA, Advocate (SR-1757[D] dated 08/02/2019)

Cr1.R.C. (MD) .No.663 of 2018
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ES/07.05.2019/2P/3C