



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.8159 of 2017

WEB COPY

Shanmugavalli

...Petitioner / Petitioner / Petitioner
Vs.

Manoharan

...Respondent / Respondent / Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records from the Lower Court and to set aside the order dated 15.12.2016, passed in Crl.R.C.No.7 of 2015, by the learned Additional District Court, Dindigul, modifying the order passed in M.C.No.66 of 2010, dated 17.12.2012 on the file of the learned Chief Judicial Magistrate, Dindigul, by fixing the appropriate monthly maintenance for the petitioner.

For Petitioner : Mr.R.Ramanathan

for Mr.R.Aravindan

For Respondent : Ms.Porkodikarnan

for M/s. Polax Legal Solutions

O R D E R

This Criminal Original Petition has been filed against the order passed by the learned Additional District Court, Dindigul, enhancing the maintenance amount to Rs.10,000/- from Rs.5,000/- that was fixed by the learned Chief Judicial Magistrate, Dindigul, in M.C.No.66 of 2010.

2. This petition has been filed by the wife on the ground that the amount that has been fixed by the Revision Court is also in-adequate and the monthly maintenance amount will have to be further enhanced.

3. The learned counsel appearing for the petitioner submitted that the arrears of maintenance as on date at the rate of Rs.10,000/- per month as fixed by the Revision Court, works out to a sum of Rs.9,60,000/- and this amount has not been paid by the husband. The learned counsel submitted that the monthly maintenance that was fixed by the Court below was inadequate and it requires enhancement.

4. Per contra, the learned counsel appearing on behalf of the respondent submitted that the respondent is now a pensioner and he is receiving a monthly pension of Rs.2,600/- per month.



5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. In the considered view of this Court, the learned Additional District Court, Dindigul, has fixed the correct amount as monthly maintenance and there are no grounds to enhance the same.

7. It is left open to the petitioner to work out her remedy for recovery of arrears of the maintenance amount in accordance with law.

8. This Criminal Original Petition stands disposed of accordingly.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

tsg

To

1.The Additional District Judge, Dindigul.

2.The Chief Judicial Magistrate, Dindigul.

+1 CC to M/s.R.ARAVINDAN, Advocate (SR-101997[F] dated 28/11/2019)

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-101820[F] dated 27/11/2019)

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