



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.R.C (MD) No.757 of 2013

1. Ramar
2. Kasammal

... Petitioners

Vs

Logamani

... Respondent

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to allow the revision petition and set aside the order passed in M.C.No.65 of 2003 on the file of the Family Court, Madurai, dated 10.06.2013.

For Petitioners : C.K.M.Appaji

For Respondent : No appearance

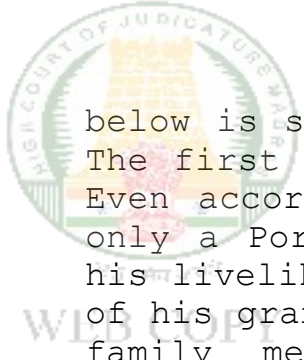
ORDER

Heard the learned counsel appearing for the petitioner. There is no representation on the side of the respondent.

2.The respondent is the father of the first petitioner and the husband of the second petitioner. He filed M.C.No.65 of 2003 on the file of the Family Court, Madurai claiming maintenance.

3.The learned Judge, by order dated 16.06.2003 allowed M.C.No.65 of 2003 and directed the petitioners herein to pay a sum of Rs.2,000/- per month to the respondent herein from January 2012 onwards, until modification. Questioning the same, this criminal revision petition has been filed.

4.Even though the respondent had claimed that the second petitioner herein namely Kasammal who is the wife of the respondent herein is having independent means of livelihood, she has not established the same. It is a mere statement made by him against the second petitioner herein. In fact, in her testimony, the second petitioner herein wanted the Court below to direct the respondent to pay maintenance. Therefore, I am of the view that the Court below ought not to have passed an order against the second petitioner herein. The order of the Court



below is set aside insofar as the second petitioner is concerned. The first petitioner Ramar is the son of the respondent Logamani. Even according to the respondent, the first petitioner herein is only a Porter. In fact, the first petitioner is also eking out his livelihood as Porter and the first petitioner is taking care of his grand mother that is the mother of the respondent and other family members. Therefore, calling upon the first petitioner to pay a sum of Rs.2000/- to the respondent appears to be a little harsh. Therefore, the quantum of maintenance ordered to be paid is reduced from Rs.2,000 to Rs.1,500/- per mensem. The order of the Court below is thus modified on two counts. It is set aside insofar as the second petitioner is concerned. The quantum is reduced from Rs.2,000 to Rs.1,500/- The criminal revision petition is partly allowed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Rmi

To

The Judge,
Family Court, Madurai.

+ 1 CC to Mr.C.K.M.Appaji, Advocate in SR.No.68650

Cr1.R.C(MD)No.757 of 2013

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