

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.02.2020
CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN
Crl.R.C.No.373 of 2018
and
Crl.M.P.No.4592 of 2018

K.Shanmugasundaram

.. Petitioner

Vs

K.Sudha

.. Respondent

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the order dated 31.10.2017 in M.C.No.17 of 2014 on the file of the Principal Family Court, Coimbatore.

For Petitioner : Mr.C.R.Prasanan

For Respondent : Mr.Chandrasekar

ORDER

The petitioner is the husband and the respondent is the wife. They got married on 26.02.2007. Due to a matrimonial dispute between the parties, they are living separately. The respondent filed a petition for maintenance before the Principal Family Court, Coimbatore, claiming a sum of Rs.25,000/- per month. Considering the materials available on record, the Family Court ordered the petitioner to pay a monthly maintenance of Rs.17,000/- to the respondent from the date of petition for maintenance, on or before 10th of every English calendar month. Feeling aggrieved, the petitioner has preferred this Criminal Revision before this Court.

2.On 22.03.2018, this Court has granted an order of interim stay on condition that the petitioner shall pay the arrears of maintenance at the rate of Rs.12,000/- per month from the date of filing of the petition till date, after deducting the amount already deposited by him before the Family Court, within a period of two weeks from the date of receipt of a copy of this order.

3. Today, when the matter is taken up for consideration, the learned counsel for the petitioner submitted that as directed by this Court, the petitioner is regularly paying a sum of Rs.12,000/- towards monthly maintenance to the respondent, besides depositing a sum of Rs.1,20,000/- towards arrears of maintenance on 22.03.2018. The learned counsel further submitted that the petitioner is now out of employment and he is under the maintenance of his mother and further, his claim for partition of property was rejected without any basis and hence, he finds it difficult to pay the monthly maintenance to the respondent. Stating so, the learned counsel sought to modify the quantum of maintenance awarded by the Family Court.

4. Though the learned counsel appearing for the respondent submitted that there is no requirement to interfere with the order passed by the Family Court, he agreed to modify the quantum of maintenance to some extent, considering the present status of the petitioner.

5. Having regard to the facts and circumstances of the case and having regard to the submissions so made by the learned counsel on either side, this Court deems it appropriate to reduce the quantum of maintenance awarded by the Family Court from Rs.17,000/- to Rs.12,000/- per month to the respondent. Accordingly, the petitioner is directed to pay a sum of Rs.12,000/- per month to the respondent towards maintenance, on or before 5th of every succeeding English Calendar month, without any default. The petitioner is also directed to pay the arrears of maintenance amount if any, within a period of eight weeks from the date of receipt of a copy of this order.

6. This Criminal Revision Case stands disposed of in the above terms. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते -s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To
The Principal Family Court,
Coimbatore.

+1 cc to Mr.C.R.Prasanan Advocate sr15939

Cr1.R.C.No.373 of 2018

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