

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.690 of 2018

and

Crl.M.P.No.8033 of 2018

R.Kothandapani .. Petitioner

Vs

R.Premavathy .. Respondent

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to call for the records and to set aside the order dated 02.04.2018 passed by the learned Judicial Magistrate, Seerkali, in M.C.No.16 of 2017.

For Petitioner : Mr.A.Saravanan

For Respondent : No appearance

ORDER

The petitioner herein is the son and the respondent herein is the mother. The respondent filed a petition for maintenance before the learned Judicial Magistrate, Seerkali, claiming a sum of Rs.7,500/- per month. Considering the materials available on record, the Court below ordered the petitioner to pay a monthly maintenance of Rs.4,000/- to the respondent from the date of petition for maintenance regularly, on or before 5th of every English calendar month. Feeling aggrieved, the petitioner has preferred this Criminal Revision before this Court.

2.The learned counsel for the petitioner has submitted that the petitioner is working in Tamil Nadu Public Works Department, Seerkali after getting appointment on compassionate ground, on death of his father and his take home salary after deduction is Rs.11,000/- per month; the petitioner has one child and is living separately without wife; and he spent money for the marriage of his brother and sister and also medical

expenses for his sister's treatment. It is also brought to the notice of this Court that the respondent admitted in her examination before the Court below that she has drawn a sum of Rs.7,000/- as pension and without considering the said fact in a proper perspective, the Court below has directed the petitioner to pay the monthly maintenance at 4,000/- to the respondent. The learned counsel further submitted that as directed by this Court on 13.07.2018, the petitioner is paying a sum of Rs.1,000/- to the respondent till date, without any default.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. Despite the service of notice and the name of the respondent having been printed in the cause list, there is no representation on her behalf.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel for the petitioner, this Court deems it fit to direct the petitioner to pay a sum of Rs.2,000/- as monthly maintenance amount to the respondent hereafter, i.e., from the month of February 2020, regularly without any default, payable on or before 5th of every succeeding English calendar month.

6. This criminal revision is accordingly disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Seerkali.

+1cc to Mr.A.Saravanan, Advocate, S.R.No.11603.

Cr1.R.C.No.690 of 2018

RJI (CO)

Maya (28/05/2020)

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