

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

Crl.R.C.No.1077 of 2017

1.Durgadevi
2.Minor Tharun, aged 12 years ... Petitioners

Vs.

V.R.Koteswaran ... Respondent

Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to set aside the order passed in M.C.No.22 of 2015 dated 05.04.2017 on the file of the Principal District Magistrate Court at Vaniyambadi to the extent of rejecting the claim of the petitioners for a sum of Rs.10,000/- to each of the petitioners.

For Petitioners : Mr.Sudharshana Sunder

For Respondent : Mr.Ambigapathi

O R D E R

The petitioners herein are the wife and son of the respondent herein. The first petitioner and the respondent got separated, in view of a matrimonial dispute. While so, the petitioners filed a maintenance case in M.C.No.22 of 2015 before the Trial Court. Considering the materials and evidence available on record, the Trial Court directed the respondent herein to pay a monthly maintenance of Rs.3,500/- to each of the petitioners, totalling to Rs.7,000/-. The maintenance amount for the second petitioner has been directed to be given till he attains majority. Challenging the same, the present Criminal Revision Case has been filed by the petitioners on the ground that the maintenance amount fixed is too low.

2.The learned counsel for the petitioners has submitted that the Trial Court ought to have directed the respondent to pay maintenance to the petitioners as sought for by the petitioners, ie., a sum of Rs.10,000/- to each of the petitioners, considering the cost of living and educational expenses meted out by the first petitioner.

3.This Court has also heard the learned counsel for the respondent on the submissions made by the learned counsel for the petitioners.

4.The learned counsel for the petitioners has specifically submitted that the first petitioner is not employed anywhere and she finds it very difficult to maintain herself and her son. It is also submitted that the take home salary of the respondent is Rs.75,000/- per month. But it has been refuted by the learned counsel for the respondent stating that the take home salary of the respondent is only Rs.25,000/-.

5.Taking note of the fact that the mediation between the parties did not fructify and also the educational expenses meted out by the first petitioner, this Court deems it fit to direct the respondent to pay a monthly maintenance amount of Rs.7,000/- to each of the petitioners, totalling to Rs.14,000/- hereafter, ie. from the month of February 2020. The amounts of maintenance fixed by the Trial Court, stands modified accordingly. With regard to all other aspects, the impugned order of the Trial Court shall remain unaltered.

6.The revised monthly maintenance of Rs.14,000/- has to be paid to the petitioners on or before 5th March 2020, relating to the month of February 2020. Further, the respondent is directed to pay the monthly maintenance of Rs.14,000/- on or before 5th of every succeeding English calendar month regularly without any default. It is also hereby ordered that the arrears of maintenance amount have to be paid in two equal instalments, after deducting the amount if any already paid. The first instalment has to be paid to the petitioners on or before 10th March 2020 and the second instalment has to be paid on or before 10th April 2020. Further, it is open to the first petitioner to submit the details to the respondent, with regard to the expenses incurred towards educational expenses of the second petitioner and if that is submitted, the same has to be meted out by the respondent.

7.The Criminal Revision Case is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

1.The Principal District Magistrate, Vaniyambadi.

2.The Public Prosecutor,
Madras High Court.

+1cc to Mr.S.Ambigapathi, Advocate, C.C.No.17232

+1cc to M/s.Sudharshana Sundar, Advocate, C.C.No.17156

Cr1.R.C.No.1077 of 2017

BS (CO)
nvi/28.05.2020

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