

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

CrI.R.C.No.900 of 2017
and
CrI.M.P.No.8420 of 2017

Thangaraj .. Petitioner

Vs

Nanjammal ... Respondent

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the order dated 11.05.2017 made in F.C.C.M.P.No.30 of 2017 in M.C.No.30 of 2014 on the file of the Family Court, Dharmapuri.

For Petitioner : Mr.C.Prabakaran

For Respondent : Ms.Elizabeth Ravi

ORDER

The petitioner is the husband and the respondent is the wife. Due to a matrimonial dispute between them, they got separated. The respondent filed a petition in MC.No.30 of 2014 for maintenance before the Family Court, Dharmapuri claiming a sum of Rs.7,000/- per month. Considering the materials available on record, the Family Court ordered the petitioner to pay a monthly maintenance of Rs.3,750/- to be paid from the date of petition for maintenance on or before 7th of every English calendar month. Thereafter, she filed another petition in F.C.C.M.P.No.30 of 2017 for enhancement of maintenance amount. By order dated 11.05.2017, the Family Court, Dharmapuri, directed the petitioner to pay the monthly maintenance at Rs.6,000/- and further directed him to make a lump sum payment of Rs.2 lakhs towards future medical expenses to the respondent. Aggrieved over the same, the petitioner has come up with this Criminal Revision Case.

2. The learned counsel for the petitioner has submitted that the petitioner is a pensioner and he is suffering from old age ailment; he has not received his retiral benefits, for which, he filed a writ petition, which was disposed of, directing the authority concerned to disburse the retiral benefits in 12 equal instalments. However, the said order has not been complied with till date. The learned counsel further

submitted that the respondent/wife is residing with her son and he is taking care of her. Hence, the learned counsel prayed for quashing the impugned order.

3. The learned counsel for the respondent has submitted that the Family Court has considered the materials on record in a proper perspective and has rightly enhanced the maintenance amount and hence, the same does not require any interference in the hands of this Court.

4. Heard both sides and perused the papers.

5. On 06.07.2017, this Court, while ordering notice to the respondent, has granted an order of interim stay only in respect of lump sum payment of Rs.2,00,000/- and the petitioner was directed to continue to pay a sum of Rs.6,000/- per month as maintenance to the respondent.

6. Considering the fact that the petitioner has not received his retiral benefits till date and taking note of the present position of the respondent, this Court, in the interest of justice, is inclined to modify the order impugned herein only in respect of lump sum payment of Rs.2,00,000/-.

7. In such view of the matter, the petitioner is directed to pay a sum of Rs.1,00,000/- towards medical expenses to the respondent within a period of four weeks from the date of receipt of a copy of this order. He is also directed to continue to pay the monthly maintenance at the rate of Rs.6,000/- to the respondent, on or before 5th of every succeeding English Calendar Month, without any default.

8. The Criminal Revision Case is disposed of accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Judge, Family Court, Dharmapuri.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.13851

+1cc to Mr.Ms.Elizabeth Ravi, Advocate, S.R.No.13924

Cr1.R.C.No.900 of 2017

rsk(CO)

js(26/05/2020)

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