

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

Crl.R.C.No.1356 of 2019

Bakkiyam

...Petitioner

Vs.

1.Jeyapal
2.Shanmugam

...Respondents

Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to set aside the judgment and decree passed by the Judicial Magistrate II, Sankagiri in M.C.No.9 of 2012 dated 27.06.2019.

For Petitioner : Ms.Radhika Boopathi

For Respondents : Mr.R.Marudhachalamurthy for R1
Mr.Deepan Uday for R2

O R D E R

The respondents herein are the sons of the petitioner herein. The petitioner filed a maintenance case in M.C.No.9 of 2012 for her livelihood before the Trial Court, after the demise of her husband. Considering the materials and evidence available on record, the Trial Court directed the respondents herein to pay a sum of Rs.2,500/- each to the petitioner. Challenging the same, the present Criminal Revision Case has been filed by the mother on the ground that the maintenance amount fixed is low and also stating that the same has to be ordered from the date of petition for maintenance and not from the date of order.

2.The learned counsel for the petitioner has submitted that even though the Court below has observed that the respondents are owning 4 house properties and doing their father's business and having sufficient means of income, it has failed to grant adequate maintenance to the petitioner.

3.This Court has also heard the learned counsel for the respondents on the submissions made by the learned counsel for the petitioner.

4.Considering the fact that the respondents are doing their father's business and having sufficient means of income and also the facts and circumstances of the case, this Court deems it fit to direct the respondents to pay a monthly maintenance amount of Rs.5,000/- each to the petitioner, totalling to Rs.10,000/- with effect from the date of petition for maintenance, ie., 12.10.2012. Accordingly, the revised monthly maintenance of Rs.10,000/- has to be paid to the petitioner on or before 5th March 2020. Further, the respondents are directed to pay the monthly maintenance of Rs.10,000/- 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 three equal instalments, after deducting the amounts if any already paid. The first instalment has to be paid to the petitioner on or before 10th March 2020, second instalment has to be paid on or before 10th April 2020 and the third instalment has to be paid on or before 10th May 2020.

5.The Criminal Revision Case is disposed of accordingly.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KM

To

1.The Judicial Magistrate II, Sankagiri.

+1cc to Mr.Deepan Uday, Advocate, S.R.No.17474

सत्यमेव जयते

Cr1.R.C.No.1356 of 2019

RSV(CO)
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