



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2020

CORAM:

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**THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR**

**Crl.R.C. (MD)No.386 of 2014**

1.Minor Akalya  
2.Minor Thennisha  
(Represented by their mother and  
natural guardian Uma Maheswari) ..Petitioners / Petitioners 2 & 3

Vs.

Balamurugan

.. Respondent / Respondent

**PRAYER:** Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in connection with the order dated 10.07.2014, in M.C.No.12 of 2012, on the file of the Judicial Magistrate, Thiruppathur and set aside the same.

For Petitioners : Mr.R.Thamothar Raj

For Respondent : Mr.M.Sarangan

**ORDER**

This Criminal Revision Petition has been filed by the petitioners 2 and 3 in M.C.No.12 of 2012, before the learned Judicial Magistrate, Thiruppathur, against the order dated 10.07.2014.

2. Both petitioners are minor daughters of the respondent. The respondent and one S.Uma Maheswari had love marriage and thereafter, due to incompatibility and for various reasons, they were living separately. Now the petitioners, who are the minors are living with their mother. The petitioners seek enhancement of maintenance amount of Rs.1,000/- (Rupees One Thousand only) each ordered to be paid by the respondent for the reason that it was inadequate and insufficient for their education and maintenance. The first petitioner viz., Uma Maheswari in M.C.No.12 of 2012, who was awarded Rs.1,500/- (Rupees One Thousand and Five Hundred only) has not preferred any revision. During the pendency of this revision, there were five mediations and steps were taken for re-approachment. But no understanding could be reached. In the meanwhile, both counsel for the petitioners and the respondent have



stated now they came forward to an understanding and filed a joint compromise memo. The joint compromise memo filed by both parties is extracted hereunder:-

"It is submitted that the revision petitioners filed the above revision petition before this Hon'ble High Court for enhancement of the maintenance amount for the minor daughters / the revision petitioners herein.

In the meantime both the revision petitioners and the respondent father have arrived a common settlement on the following conditions,

i.The respondent-father is ready to pay Rs.2,500/- per month each of his two daughters / revision petitioners and Rs.1,500/- per month to his wife and respondent-father is also ready to pay 50% of the educational expenses spent towards two daughters subject to the production of College or School payment challan to the respondent / husband by the revision petitioner / wife with prior intimation.

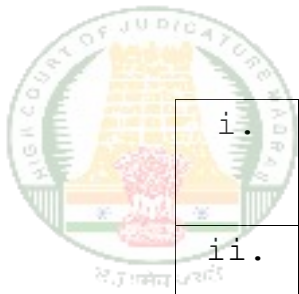
ii.It is further submitted that the respondent-father has claimed his visitation rights for seeing his minor daughters-revision petitioners herein and the same was accepted by his wife that is on 1<sup>st</sup> and 3<sup>rd</sup> week Sunday of every month between 10 a.m. and 04.00 p.m. at Madurai Meenakshi Amman Koil, Madurai (Subject to the convenience of the both the parties, the said meeting place may be changed with 15 days prior intimation of either party) and the respondent-father has also accepted to bear the travelling expenses of the minor daughters-revision petitioners for the said visiting arrangement.

**CALCULATION MEMO**

a.The maintenance amount to the wife as per the order of the learned District Munsif cum Judicial Magistrate, Thiruppathur, is Rs.1,500/- per month from the date of the maintenance order passed on 10.07.2014, but she did not file any revision petition before this Hon'ble Court, hence the same maintenance amount will continued.

b.The maintenance amount for the minor daughters / the revision petitioner herein as per the learned District Munsif cum Judicial Magistrate, Thiruppathur is Rs.1,000/- per month each daughter from the date of the maintenance application in M.C.No.12 of 2012 i.e., from 08.08.2012.

c.The date of above revision petition filed by the minor daughters-revision petitioners herein before this Hon'ble Court on 04.09.2014.



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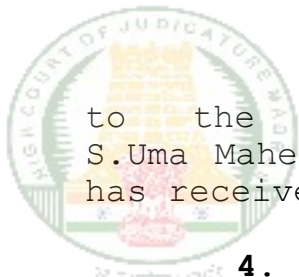
|      |                                                                                                                                                  |                                                  |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| i.   | Maintenance for the wife is Rs.1,500/- p.m. * 65 months (10.07.2014 to 20.12.2019) is                                                            | Rs.97,500.00                                     |
| ii.  | Maintenance for the minor daughters / revision petitioners herein is each Rs.1,000/- p.m. * 23 months (08.08.2012 to 04.09.2014)                 | Rs.46,000.00                                     |
| iii. | Agreed enhanced maintenance for the minor daughters / revision petitioners herein is each Rs.2,500/- p.m. * 63 months (04.09.2014 to 20.12.2019) | Rs.3,15,000.00                                   |
|      | Total amount of maintenance is                                                                                                                   | Rs.4,58,500.00                                   |
|      | So far the maintenance amount and educational fees paid by the respondent-father is direction of this Hon'ble Court the respondent paid          | Rs.1,84,000.00<br>Rs. 27,750.00<br>Rs. 35,00,000 |
|      | Balance amount of maintenance as on date 31.12.2019 round of                                                                                     | Rs.2,11,750.00<br>Rs.2,10,000.00                 |

*It is submitted that the respondent-father is ready to pay the above said balance amount of Rs.2,10,000/- (Rupees Two Lakhs Ten Thousand only) in four installments on bi-monthly basis (2 months once) excluding the enhanced maintenance amount of Rs.6,500/- to his minor daughters and revision petitioners (Wife).*

*It is submitted that the revision petitioner has to open a new account in the name of minor petitioners independently. The above said maintenance amount may be paid by the respondent in the said account respectively.*

*The above terms of compromise have been read over and explained to both the parties in Tamil and we agreed and willing for our choice and agreed for the disposal of the above Criminal Revision Petition with the said terms of compromise without prejudice of their defence."*

**3.** The joint compromise memo filed by both of them which have been signed by the parties and also by thier respective counsel. As per the compromise, the first part of the balance amount of Rs.59,000/- (Rupees Fifty Nine Thousand only) has been paid by cash



to the petitioners' natural guardian and mother viz., S.Uma Maheswari today i.e., on 05.02.2020, before this Court. She has received the same and acknowledged.

4. At this juncture, the learned counsel appearing for the respondent submitted that though in the joint compromise memo it is stated that the petitioners' father / respondent is ready to pay 50% of the educational expenses towards his children, further, he assures that depending upon his financial capabilities during the relevant time, he would contribute even more than 50% what he has assured now. He fairly submits that for educating his children he would co-operate and support in all manner.

5. Recording the above said submission, the Criminal Revision Petition stands disposed of.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

To

The Judicial Magistrate, Thiruppathur

Copy to:

The Record Keeper/Section Officer, (2 Copies)  
Criminal Section,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.R.THAMOTHAR RAJ, Advocate ( SR-4945[F] dated 06/02/2020 )

+1 CC to M/s.M.SARANGAN, Advocate ( SR-5087[F] dated 06/02/2020 )

**Cr1.RC. (MD) No.386 of 2014**  
**05.02.2020**

JMN(19.02.2020) 4P : 6C