



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

CRL.R.C. (MD) No. 496 of 2017

and

CrI.M.P. (MD) Nos. 5499 of 2017 and 1652 of 2020

S.T.Suvaitharan

... Petitioner / Respondent

-vs-

1.N.Anitha

2.Minor Miruthun Jai

... Respondents / Petitioners

(2nd Respondent is represented by

his mother and natural guardian / 1st respondent herein)

PRAYER: Criminal Revision Case filed under Sections 397(1) r/w 401 of Cr.P.C., praying to call for the records in M.C.No.51 of 2015 on the file of the learned Chief Judicial Magistrate, Kanyakumari District at Nagercoil and set aside the order dated 23.05.2017.

For Petitioner : Mr.B.Suriya Narayan Samy

For Respondents : Mr.T.Selvakumaran

ORDER

The petitioner is the husband and the respondents are the wife and son.

2.The case of the prosecution is that the marriage of the first respondent and the petitioner was solemnized on 25.03.2010 at Nagercoil Kottar Narayanaguru Marriage Hall as per the hindu rights and customs in the presence of elders of the family. At the time of marriage, the first respondent's family has given 101 sovereign gold and after marriage, they blessed with one male child / second respondent herein and at the time of filing maintenance petition, the second respondent was studying at U.K.G., in Vidhya Manthir C.B.S.E., School in Melakattuvelai. For maintaining the respondents, huge amount was spent by the parents of the first respondent, therefore, the first respondent has filed a petition under Section 125 of Cr.P.C., for claiming maintenance of Rs.15,000/- for herself and her son. After trial, the said petition was allowed to the extent of Rs.10,000/-. Challenging the same, the present petition is filed.



3.The learned counsel appearing for the petitioner would submit that the petitioner is not earning much amount, hence, he is not able to pay huge amount for maintaining the wife and son. Accordingly, he prayed for allowing this petition.

WEB COPY

4.The learned counsel appearing for the respondents would submit that the first respondent is the armless lady and the second respondent is now studying at 3rd standard. She is unable to maintain her son and herself and she is claiming just and proper compensation of Rs.15,000/- including herself and her son's school expenses and the trial Court after trial, awarded reasonable amount. Hence, he prayed for dismissal of this petition.

5.Head the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record carefully.

6.This Court is of the view that the award passed by the trial Court is just and reasonable one. The first respondent is the armless lady and the second respondent is studying at 3rd standard. It appears that definitely, huge amount would be spent for studying. Hence, I do not find any error in the maintenance awarded by the trial Court. Therefore, the award passed by the trial Court is confirmed. Further, this Court, while entertaining the stay application, has directed the petitioner to deposit 50% of the arrears of the maintenance amount. Therefore, the petitioner has deposited a sum of Rs.1,00,000/- and the balance amount of Rs.2,80,000/- has to be paid by the petitioner. Therefore, the petitioner is directed to deposit the balance amount of Rs.2,80,000/- to the respondents within a period of six weeks from the date of receipt of a copy of this order, failing which, the first respondent is at liberty to file appropriate application.

7.With the above direction, this Criminal Revision Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr



To
1. The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-10979[F] dated 11/03/2020)

+1 CC to M/s.B.SURIYANARAYANA SAMY, Advocate (SR-11017[F] dated 11/03/2020)

CRL.R.C. (MD) No. 496 of 2017
09.03.2020

DB (CO)
TR (08.06.2020) 3P 4C