

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.106 of 2019  
and Crl.M.P.No.1011 of 2019

Vijayakumar ... Petitioner/Respondent

Vs.

Parimala @ Gowri ... Respondent/Petitioner

Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C to set aside the order dated 19.11.2018 made in F.C.M.C.No.30 of 2017 on the file of the Family Court, Vellore.

For Petitioner : No representation

For Respondent : Mr.A.Muthu Raman

O R D E R

This Criminal Revision Case has been filed to set the aside the order dated 19.11.2018 made in F.C.M.C.No.30 of 2017 on the file of the learned Family Court, Vellore.

2. There is no representation for the petitioner. Heard the learned counsel for the respondent and perused the materials available on record.

3.It is seen from the records, originally the respondent/wife filed a petition in M.C.No.8 of 1990 before the learned Judicial Magistrate No.IV, Vellore seeking for maintenance has also been ordered in favour of the respondent to pay a sum of Rs.300/- per month. Subsequently, the same was enhanced to Rs.425/- per month in M.C.No.15 of 1994, again the same was enhanced to Rs.800/- per month by the learned Chief Judicial Magistrate, Vellore in M.C.No.17 of 2008. Thereafter, the respondent filed a petition in F.C.M.C.No.30 of 2017 before the Family Court, Vellore under Section 127 of Cr.P.C for

enhancement of the maintenance amount from Rs.800/- to Rs.15,000/-. The learned Judge, after giving opportunity and also taking note of the facts and circumstances, enhanced the maintenance amount from Rs.800/- to Rs.4,000/-. Challenging the said order the petitioner is before this Court.

4. On a careful perusal of the records, it would reveal that already the learned Magistrate enhanced the amount from Rs.425/- to Rs.800/- per month as maintenance to the respondent/wife. The petitioner/husband was working as a Head Master and retired from service and getting pension ranging Rs.30,000/- to Rs.40,000/- per month. Hence, the respondent/wife filed a petition under Section 127 Cr.P.C for enhancement of maintenance amount from Rs.800/- to Rs.15,000/-. The learned Judge, after considering the entire facts, enhanced the award amount as Rs.4,000/- per month. It is also to be noted that it is only a second round of objection, already in the year 2008, the learned Magistrate enhanced the award amount from Rs.425/- to Rs.800/- per month as maintenance. After ten years, again the petitioner filed the petition in the year 2017 for enhancement of the maintenance amount. Considering the age factor, medical expenses and other future increasing cost of living of the respondent, the learned Judge enhanced the award amount as Rs.4,000/- as maintenance, which is very reasonable and there is no merit in the Criminal Revision Case.

5. For the above stated reasons, this Court does find any merit in the Criminal Revision Case. The Criminal Revision Case fails and the same is dismissed. Consequently, connected miscellaneous petition is closed.

6. The petitioner is directed to pay entire arrears amount within one month from the date of receipt of a copy of this order, failing which, the learned Family Court Judge, Vellore is directed to issue warrant against the petitioner and execute the order in accordance with law and ensure that the amount should be reached to the respondent/wife within a reasonable time.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

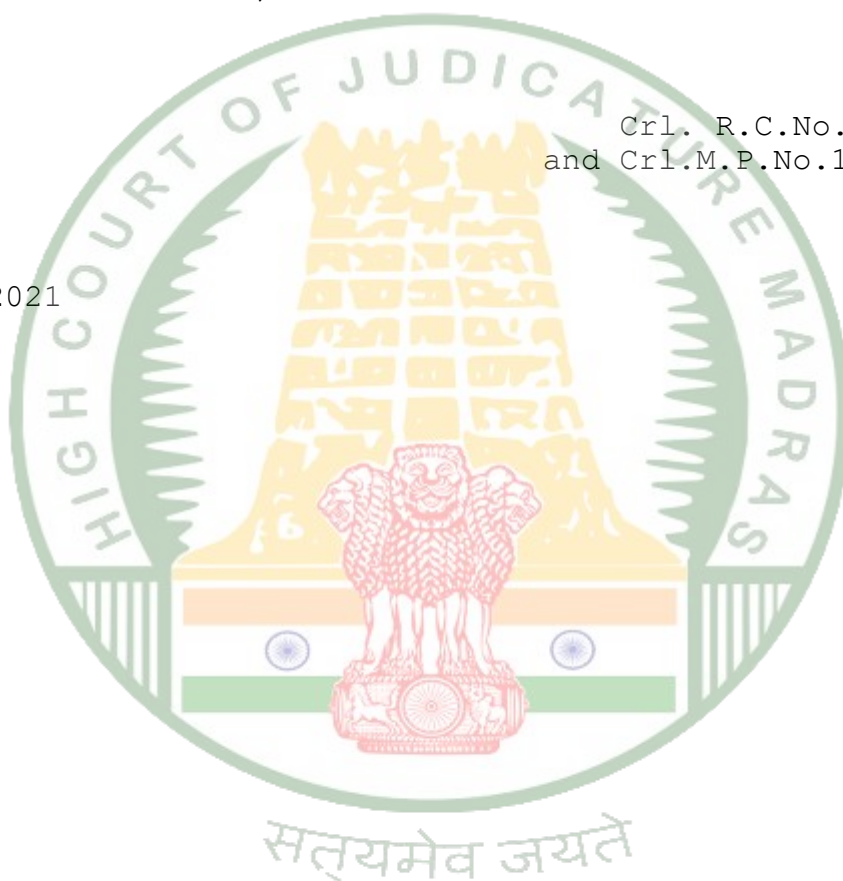
ms  
To

The Judge,  
Family Court,  
Vellore.

+lcc to Mr.A.Muthuraman, Advocate Sr.694

Crl. R.C.No.106 of 2019  
and Crl.M.P.No.1011 of 2019

vg I[co]  
srg 15/2/2021



WEB COPY