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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1083 of 2015

1.Mangaiyarkarasi

2.Minor.Y.M.Anu Sriram

Represented by her Natural Guardian/ Mother
Mangaiyarkarasi

... Petitioners

Vs.

M.Yuvaraja

... Respondent

Prayer: Petition filed under Section 397(1) r/w 401 of Criminal Procedure Code, seeking to call for the records and set aside the order of the learned Family Court Judge at Coimbatore in M.C.No.145 of 2011 dated 10.07.2015 and direct to the respondent to pay Rs.10,000/- to each of the petitioners.

For Petitioners: Mr.S.Thiruvengadam

For Respondent : Mr.R.Bharat Kumar

O R D E R

The petitioner has filed this petition seeking to call for the records and to set aside the order of the learned Family Court Judge at Coimbatore in M.C.No.145 of 2011 dated 10.07.2015 and to direct the respondent to pay a sum of Rs.10,000/- to each of the petitioners.

2.The facts of the case is that the marriage between the first petitioner and the respondent is a love marriage and was performed without the consent of their parents on 08.04.2005 and out of the wedlock, the second respondent was born to them. When the first petitioner was pregnant, matrimonial dispute arose inbetween them and she was driven out from the matrimonial home. Thereafter, the respondent filed petition seeking divorce and the first petitioner filed petition seeking restitution of conjugal rights and the petition filed by the first petitioner was allowed. Even thereafter, the respondent did not come forward to live along with the petitioners. Since the first petitioner was not able to maintain herself and the second



petitioner, she filed M.C.No.145 of 2011 before the Family Court at Coimbatore seeking a sum of Rs.10,000/- each per month as maintenance. After adjudication, the trial Court awarded a sum of Rs.2,000/- each per month towards maintenance in favour of the petitioners. Aggrieved by the same, the petitioners have filed this revision seeking enhancement of the amount awarded towards maintenance.

3.The learned counsel appearing for the petitioners submitted that the first petitioner is un-employed and is completely depending on the income of the respondent and further submitted that the marriage between the first petitioner and the respondent is a love marriage, however, the respondent refuses to take care of the petitioners and further submitted that the first petitioner has to take care of the future of the second petitioner and has to spend huge amount for her educational and other expenses and hence, the amount awarded by the trial Court is a very meagre amount and prayed for appropriate enhancement.

4.The learned counsel appearing for the respondent submitted that the first petitioner is an educated person and further submitted that the respondent is earning only a sum of Rs.50,000/- per month as salary and out of the same, he has to take care of his elderly parents, pay EMI to the housing loan, pay for LIC policies and further submitted that the amount awarded in favour of the first petitioner is just and reasonable, however, this Court may fix a fair award amount in respect of the second petitioner.

5.The facts of the case and the relationship between the parties is not disputed. Before the trial Court, the petitioners claimed a sum of Rs.10,000/- each per month towards maintenance, however, the trial Court has awarded only a sum of Rs.2,000/- each per month towards maintenance in favour of the petitioners, which according to this Court is a meagre amount considering the present cost of living. Since it is claimed that the first petitioner is an educated person, this Court is not inclined to interfere in the amount awarded towards maintenance in favour of the first petitioner, however, considering the future of the second petitioner, this Court is inclined to enhance the awarded amount awarded in favour of the second petitioner from a sum of Rs.2,000/- per month to a sum of Rs.12,000/- per month.

6.Accordingly, the amount awarded by the Family Court Judge at Coimbatore in M.C.No.145 of 2011 dated 10.07.2015 is modified as follows:

'The respondent is directed to pay a sum of Rs.2,000/- per month to the first respondent and a sum of Rs.12,000/- per month to the second respondent as



maintenance, from the date of maintenance case petition.'

7.The respondent is directed to deposit the entire arrears amount as per the modified award amount to the credit of M.C.No.145 of 2011 before the Family Court Judge at Coimbatore, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the learned Family Court Judge at Coimbatore, shall disburse the same in favour of the petitioners.

8.This revision is partly allowed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Family Court Judge at
Coimbatore.

2.The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.45426

+1cc to Mr.S.Thiruvengadam, Advocate, S.R.No.45130

Cr1.R.C.No.1083 of 2015

CP(CO)
CB(22/10/2021)