

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1092 of 2015

1. V. Malar

2. T. Pooja

3. T. Srija

2 and 3 are represented by
their mother and natural
guardian V.Malar

... Petitioners

Vs.

S. Thulukkanam @ Raja

... Respondent

Prayer:

Petition filed under Section 397 r/w 401 of Cr.P.C., seeking to enhance the maintenance amount, which was passed by the learned Family Court Judge at Chengalpet in M.C.No.14 of 2015 order dated 09.06.2015 and allow the Criminal Revision petition.

For Petitioners : Mr. C. Sudhagar
For Respondent : No Appearance

ORDER

The petitioners have filed this petition seeking to enhance the

maintenance amount, which was passed by the learned Family Court Judge at Chengalpet in M.C.No. 14 of 2015 on 09.06.2015.

2.The case of the petitioners is that the first petitioner is the wife of the respondent and the second and third petitioners are the daughters of the respondent. The marriage between the first petitioner and the respondent was held on 28/08/1998 at No.3, Kilambakkam Village, Urapakkam, Chengalpet. The said marriage was an arranged marriage. During the marriage the first petitioner's family had spent all the marriage expenses for a sum of Rs.1,00,000/- and also 140 articles which includes fridge, washing machine, cot etc., as sreeethana, to the respondent and after the marriage, both had set up the matrimonial home at No.3, Kilambakkam, Urapakkam Post, Chengalpattu Taluk, Kancheepuram District. The respondent driven out the petitioners from the matrimonial home. The second petitioner was born on 14/04/2001 and the third petitioner was born on 27/02/2005. Both the second and third petitioners are studying in school and the first petitioner is taking care of the second and third petitioners. However the first petitioner is unable to run the day to day life without any sufficient means. The petitioners filed Maintenance Petition before the trial Court in M.C.No.14 of 2015 claiming a sum of Rs.13,000/-

per month towards maintenance and a sum of Rs.20,000/- towards Medical and other expenses.

3.Before the trial Court, the first petitioner examined herself as P.W.1 and marked exhibits Ex.P.1 to Ex.P10. The respondent examined himself as D.W.1 and marked exhibits Ex.D.1 to Ex.D.3. After adjudication, the trial Court awarded a sum of Rs.1000/- to the first petitioner and a sum of Rs.750/- each to the second and third petitioners. Aggrieved by the same, the petitioners have filed this revision.

4.The learned counsel appearing for the petitioners submitted that the respondent raised the ground before the trial Court that he is employed as a daily employee and is earning only Rs.100/- per day and he has to maintain his age old parents and that he is ready to maintain the second and third petitioners, however, he is not ready to pay anything to first petitioner since she had illegal intimacy with another person. Hence, the trial Court awarded the meagre amount as maintenance. However, the petitioners are entitled for higher amount of maintenance inorder to maintain the day to day life.

5.Though notice was served on the respondent, today when the matter is taken up for hearing, there is no representation for the respondent. Hence, considering the pendency of the revision, I am inclined to decide the matter based on the materials available on record.

6.The facts of the case is not in dispute. The relationship between the parties is not in dispute. Perusal of records reveal that the respondent has claimed that initially, he lived with the first petitioner in her parental home and thereafter, matrimonial dispute arose and he left the home and lived separately, however, it was refused by the first petitioner. Inorder to prove the same, the first petitioner produced Ex.P.7 – copy of the ration card which proves that they lived together in their matrimonial home belonging to the respondent. Further, the respondent owns house at Urapakkam and also has two shops and receiving money from them and has sufficient means to pay maintenance to the petitioners.

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7.The trial Court discussed all these things, however, has awarded a meagre amount of Rs.1000/- to the first petitioner and a sum of Rs.750/- each to the second and third petitioners, as rightly

pointed out by the learned counsel appearing for the petitioners.
Hence, I am inclined to enhance the award amount.

8.The petitioners are entitled to a higher amount in order to lead the day to day life. Accordingly, the amount awarded towards maintenance in favour of the petitioners is enhanced to a sum of Rs.2,500/- per month each from a sum of Rs.1000/- to the first petitioner and a sum of Rs.750/- each to the second and third petitioners from the date of the maintenance case petition.

9.This revision is allowed on the above terms.

03.09.2021

sma/pri

Speaking Order/ Non Speaking Order

Index: Yes/ No

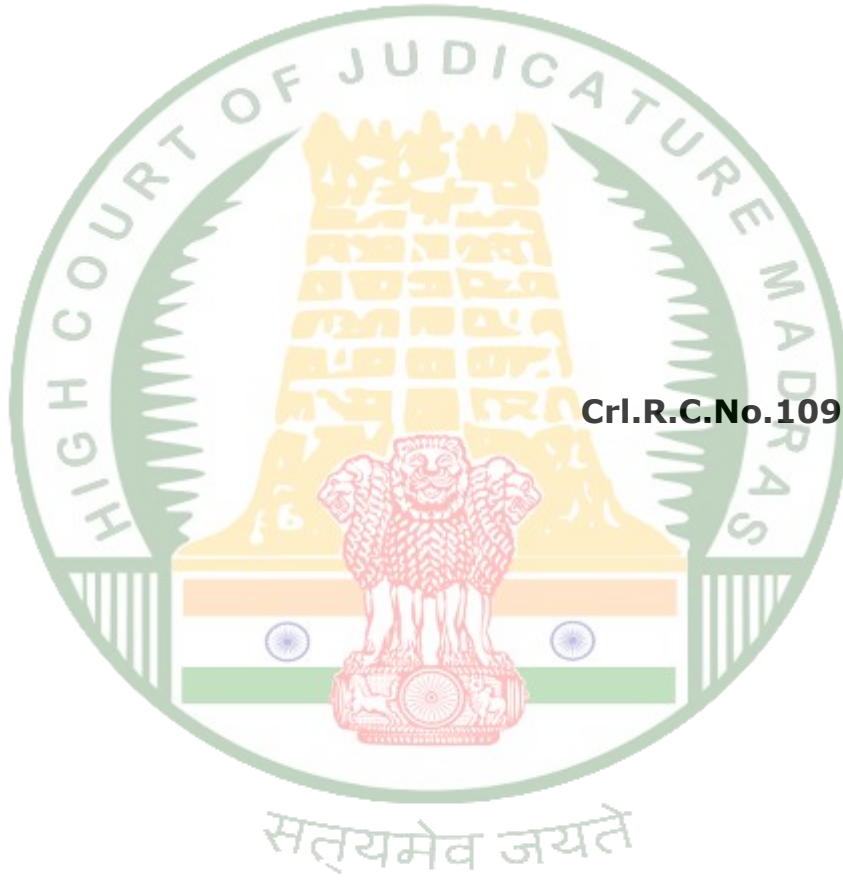
Internet: Yes/ No

To

1. The Learned Family Court at Chengalpet.

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M.DHANDAPANI,J.
sma/pri



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