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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CRL.RC.No.371 of 2020
and
Crl.M.P.No.2730 of 2021

S.K.Abdul Khader ...Petitioner

Vs.

1.Lubaina Farzana

2.S.A.Rafika Parveen (Since married on 15.12.2013)

3.S.A.Noorul Arsh @ Sajeetha Sulthana

Rep. by her mother & Next Friend

Mrs.Lubaina Farzana

714/377, Gulam Dasthageer Street

Bilal Nagar, Kanathur - 603 112

...Respondents

Criminal Revision Case filed under Section 379 read with 401 of Code of Criminal Procedure praying to set aside the order dated 04.12.2019 in M.P.No.254 of 2017 in M.C.No.323 of 2002 on the file of V Additional Family Court, Chennai.

For Petitioner	:	Ms.K.Chandra
For Respondents	:	Mr.T.Sundar Babu

ORDER

This Criminal Revision Case has been filed against the order dated 04.12.2019 in M.P.No.254 of 2017 in M.C.No.323 of 2002 on the file of V Additional Family Court, Chennai.

2. The petitioner is husband. The 1st respondent is wife and the 2nd and 3rd respondents are daughters. Originally the first respondent/wife had filed a petition in M.C.No.323 of 2002 under Section 125 Cr.P.C. claiming maintenance and the Court below by its order dated 08.01.2004 granted a sum of Rs.500/- to each of the respondents and subsequently, it was increased to Rs.1,000/- each by order dated 02.12.2009. Thereafter, the respondents filed the petition in M.P.No.254 of 2017 under Section 127 Cr.P.C. seeking enhancement of maintenance from Rs.1,000/- to Rs.5,000/- each.



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3. The learned V Additional Principal Judge, V Additional Family Court, Chennai, by order dated 04.12.2019 enhanced the maintenance to Rs.4,000/- each to the 1st and 3rd respondents and since the 2nd respondent got married on 15.12.2013, rejected the claim of maintenance by observing that she is not entitled for maintenance. Aggrieved against the enhancement of maintenance, the husband is before this Court with the present criminal revision case.

4. Even though, the petitioner/husband has stated that the first respondent wife is working as Manager and receiving rental income from the properties owned by her, he has not produced any proof for the same. The learned Judge, after considering all the relevant materials and facts and the cost of living prevailing, has enhanced the maintenance amount from Rs.1000/- to Rs.4,000/- each to the 1st and 3rd respondents, which according to this Court is not higher side and it is reasonable and since the 2nd respondent got married, the learned Judge rejected maintenance.

5. Now it is seen that the 3rd respondent has also got married in the month of June, 2021 and hence, she is not entitled for any maintenance, however, she is entitled for maintenance from the date of filing of M.P.No.254 of 2017 to till May 2021. Therefore, the 1st respondent /wife alone is now entitled for enhanced maintenance of Rs.4,000/- as ordered by the V Additional Family Court, Chennai, by order dated 04.12.2019.

6. This Court does not find any perversity in the order dated 04.12.2019 passed by the learned V Additional Principal Judge, V Additional Family Court, Chennai, in M.P.No.254 of 2017 in M.C.No.323 of 2002 and there is no merit in the revision.

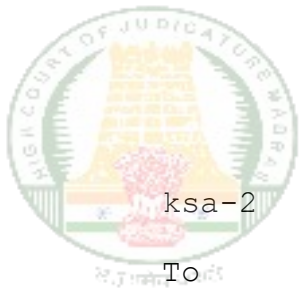
7. The V Additional Family Court, Chennai, is directed to execute the order dated 04.12.2019 passed in M.P.No.254 of 2017 in M.C.No.323 of 2002 in accordance with law.

8. With the above observations, this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar



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To

The V Additional Principal Judge,
The V Additional Family Court,
Chennai.

+1 CC to Mr.K.Chandra, Advocate, Sr.No. 46571.

+1 Cc to Mr.T.Sundar Babu, Advocate, Sr.No. 46325.

CRL.RC.No.371 of 2020
and Crl.M.P.No.2730 of 2021

VBM(CO)
LS(04/10/2021)