

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.977 of 2019 and
Crl.M.P.No.13745 of 2019

Murugesan

... Petitioner/Respondent

Vs.

1.Lakshmy @ Latchoumy

2.Kamalrajiv

3.Sivaraman

4.Seetharaman

... Respondents/Petitioners

(Respondents 2 to 4 are minors, Rep.by
their mother and next friend 1st Respondent)

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 20.02.2018 in Crl.M.P.No.214 of 2014 in M.C.No.51 of 2006, Family Court, Pondicherry as far as it relates to the maintenance amount.

For Petitioner : Mr.V.Jai Hari Sudhan for

Mr.Sreenivasan.D

For Respondents : Mr.K.Sasindran

ORDER

The 1st respondent is the wife and the 2nd, 3rd & 4th respondents are sons of the petitioner. The respondents have filed a petition under Section 125 Cr.P.C., for maintenance in M.C.No.51 of 2006 before the learned Judge, Family Court, Puducherry. The learned Judge, Family Court, Puducherry, by order, dated 02.01.2007, directed the petitioner to pay a sum of Rs.2,000/- per month to the 1st respondent and to pay a sum of Rs.1,000/- to the respondents 2 to 4. Subsequently, the respondents have filed a petition under Section 127 Cr.P.C., in Crl.M.P.No.44 of 2009 in M.C.No.51 of 2006 for enhancement of the maintenance amount and same was enhanced to Rs.4,000/- by order dated 30.09.2009. Thereafter, the respondents filed Crl.M.P.No.214 of 2014 in M.C.No.51 of 2006 under Section 127 Cr.P.C., for enhancement of maintenance amount. The learned Judge, Family Court, Puducherry by order dated 20.02.2018, enhanced the maintenance amount from Rs.4,000/- to Rs.6,000/-. Challenging the same, the petitioner has filed the present revision.

2.The petitioner has filed a petition for divorce in M.O.P.No.212 of 2010 before the learned Judge, Family Court, Puducherry and the same was allowed on 20.02.2018 on the ground of desertion, against which, C.M.A.No.2358 of 2019 is pending before this Court. During the pendency of the appeal before this Court, the learned Judge, Family Court, Puducherry enhanced the maintenance from Rs.4,000/- to Rs.6,000/- by order dated 20.02.2018 in Crl.M.P.No.214 of 2014 in M.C.No.51 of 2006.

3.The main contention of the petitioner is that the 1st respondent left the matrimonial home on her own volition. After getting divorce from the petitioner, the 1st respondent is not entitled for maintenance. Therefore, the order passed by the learned Judge, Family Court, Puducherry is liable to be set aside.

4.The learned counsel for the respondents would submit that the petitioner is working as Laboratory Assistant in Rajiv Gandhi Veterinary College, Kurumbapet, Puducherry and he has not denied his job and monthly salary.

5.Heard and perused the records.

6.The petitioner and the 1st respondent are living separately is not in dispute and the petitioner is working as Laboratory Assistant in Rajiv Gandhi Veterinary College, Kurumbet, Puducherry is also not in dispute. The 1st respondent preferred appeal before this Court in C.M.A.No.2358 of 2019 against the order of divorce dated 20.02.2018 in M.O.P.No.212 of 2010. Under these circumstances, the grounds raised by the petitioner is not acceptable.

7.Considering the fact that the appeal in C.M.A.No.2358 of 2019 is pending before this Court and the petitioner is working as Laboratory Assistant in Rajiv Gandhi Veterinary College, Kurumbet, Puducherry, this Court is of the considered view that the enhancement of Rs.4,000/- to Rs.6,000/- is very reasonable and not highly excessive.

8.In view of the above, this Court does not find any illegality or perversity in the order dated 20.02.2018 in Crl.M.P.No.214 of 2014 in M.C.No.51 of 2016 passed by the learned Judge, Family Court, Puducherry and there is no merit consideration in the submissions made by the learned counsel for the petitioner. Hence, the Criminal Revision is liable to be dismissed and it is, accordingly, dismissed. The petitioner is directed to deposit the entire arrears of amount within a period of one month and directed to pay the monthly maintenance till the disposal of the Civil Miscellaneous Appeal, failing which, the learned Judge, Family Court, Puducherry shall execute the

order, in accordance with law, without any further delay.
Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

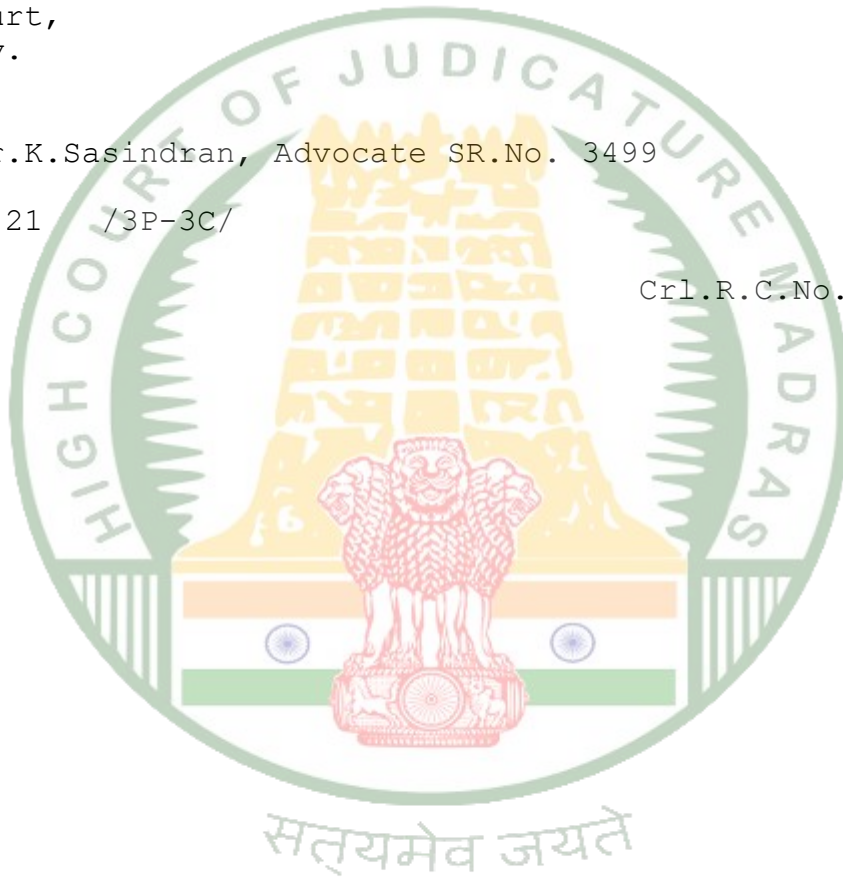
To

The Judge,
Family Court,
Puducherry.

+1cc to Mr.K.Sasindran, Advocate SR.No. 3499

AKM/22.02.21 /3P-3C/

Cr1.R.C.No.977 of 2019
21.01.2021



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