

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN
Criminal Revision Case Nos.1265 and 675 of 2019
and CrI.MP.No.9348 of 2019

CrI.R.C.No.1265 of 2019

Valarmathi

... Petitioner

..vs..

A.Chinnasamy

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the order dated 23.04.2019 made in M.C.No.7 of 2018 on the file of the Judicial Magistrate Court No.I, Mettur, Salem District and to allow the above Criminal Revision Case.

For Petitioner : Mr.S.Tamil Murugan
for Mr.C.Prabakaran

For Respondent : No representation

CrI.R.C.No.675 of 2019

A.Chinnasamy

... Petitioner

..vs..

C.Valarmathi

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to allow the Criminal Revision Case by setting aside the order dated 23.04.2019 made in M.C.No.7 of 2018 on the file of the Judicial Magistrate Court No.I, Mettur, Salem District.

For Petitioner : No representation

For Respondent : Mr.S.Tamil Murugan
for Mr.C.Prabakaran

C O M M O N O R D E R

These Criminal Revision Cases have been filed against the order dated 23.04.2019 in M.C.No.7 of 2018 on the file of the Judicial Magistrate No.I, Mettur, Salem District.

2. For the purpose of convenience, the parties are described as per their ranking in the Trial Court.

The petitioner is the wife and the respondent is husband in M.C.No.7 of 2018. The petitioner/wife filed a case under Section 125 Cr.P.C seeking maintenance of Rs.30,000/- per month. After due enquiry, the learned Judicial Magistrate No.I, Mettur, Salem District ordered a sum of Rs.15,000/- per month as maintenance. Challenging the same, the petitioner/wife filed Crl.R.C.1265 of 2019 seeking enhancement of the maintenance amount, whereas, the respondent/husband also filed Crl.R.C.No.675 of 2019 to set aside order dated 23.04.2019.

3. Heard the learned counsel for the petitioner/wife. There is no representation for the respondent/husband.

4. The learned counsel for the petitioner/wife would submit that the marriage between the petitioner and respondent was solemnized in the year 1991 and out of their wedlock two children were born. Subsequently, the petitioner and the respondent were living separately and their children, who are studying engineering, are under the care and custody of the mother/petitioner. Hence, the petitioner filed M.C.No.7 of 2018 seeking maintenance of Rs.30,000/- per month. After due enquiry, the learned Magistrate awarded Rs.15,000/- per month as maintenance to the petitioner/wife. Hence, the petitioner/wife is before this Court seeking enhancement of maintenance amount.

5. Admittedly, the relationship between the parties are not in dispute. The respondent/husband is an earning member, which is also not in dispute. After due enquiry, the learned Magistrate come to the conclusion that the respondent/husband is working as a Junior Engineer in Thermal Power Station and earning a sum of Rs.91,435/- per month and hence, ordered Rs.15,000/- per month as maintenance to the petitioner/wife.

6. The ingredients of Section 125 of Cr.P.C clearly shows that the wife who is unable to maintain herself is entitled for maintenance. In this case, the respondent/husband is working as a Junior Engineer and he is having sufficient income and hence, he is entitled to maintain his wife and children.

7. The children attained majority and they are not impleaded as a party in this case. Hence, the petitioner alone approached the learned Magistrate seeking for maintenance. Considering the entire materials, the learned Magistrate awarded Rs.15,000/- per month as maintenance.

8. Considering the above facts and economical status of the respondent/husband, this Court is of the view that the order of maintenance of Rs.15,000/- per month is very reasonable. While,

exercising revisional jurisdiction, this Court need not re-appreciate the entire evidence as appellate Court. While exercising the revisional jurisdiction, this Court has to see whether there is any perversity or infirmity in the order passed by the Court below. On a careful perusal of the entire materials on record, this Court does not find any perversity in the order passed by the learned Judicial Magistrate No.I, Mettur, Salem District in M.C.No.7 of 2018. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed. However, if the petitioner/wife wants enhancement of the maintenance amount, she can approach the competent Court in the manner known to law.

Sd/-

Assistant Registrar (CS.VII)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.I,
Mettur, Salem District.

+2cc to Mr.C.Prabakaran, Advocate SR.NO.2673 & 2676

AKM/23.02.21/ 3P-4C/

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सत्यमेव जयते

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