



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON	04.08.2021
DELIVERED ON	10/08/21

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Cr1.RC(MD)No. 672 of 2016
and Cr1.MP(MD) No. 9406 of 2016

P. Vinayaga Perumal ... Petitioner/Respondent

Vs.

Athirsta Lakshmi ... Respondent/Petitioner

PRAYER: Petition filed under Section 397 r/w 401 of the Criminal Procedure Code, to allow the revision petition and set aside the order passed in M.C. No. 18 of 2016 on the file of the Family Court, Tirunelveli, dated 25.05.2016.

For Petitioner : Mr.C.K.M. Appaji
For Respondent : No appearance

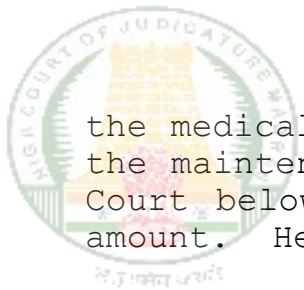
ORDER

This criminal revision case is filed by the petitioner to set aside the order, dated 25.05.2016 in M.C. No. 18 of 2016 passed by the learned Judge, Family Court, Tirunelveli.

2. The respondent herein/wife had filed a petition under Section 125 of Cr.P.C., seeking maintenance in M.C. No.18 of 2016 before the learned Judge, Family Court, Tirunelveli and the same was ordered and the petitioner herein/husband was directed to pay Rs.5,000/-p.m., as maintenance to the respondent/wife. Against the said order, dated 25.05.2016, this Revision Petitioner/husband is before this Court.

3. Heard Mr.C.K.M. Appaji, learned counsel appearing for the petitioner/husband and perused the material documents available on record.

4. The learned Counsel for the petitioner contended that the respondent is working in a Private school and drawing salary. He further contended that the revision petitioner is only a Kalasi, a lower level Railway Employee and drawing only Rs.15,000/-p.m., and the meagre income is not sufficient for his day today expenses and



the medical expenditure of his guardian. He further submitted that the maintenance of Rs.5,000/-p.m., is excessive and onerous and the Court below failed to give proper reasons for warding such a huge amount. Hence, prayed to allow the Criminal Revision Case.

5. The respondent herein/petitioner/wife had filed a petition in M.C. No.18 of 2016 before the learned Judge, Family Court, Tirunelveli, for maintenance of Rs.15,000/-p.m., under Section 125 of Cr.P.C.

6. The learned Judge, Family Court, Tirunelveli, ordered Rs.5,000/-p.m., from the date of filing of M.C. No. 18 of 2016. Aggrieved by the order, dated 25.05.2016, this revision petitioner/husband is before this Court.

7. The relationship between the petitioner and respondent is admitted. Both of them are not lived together which was also admitted. It is the duty of the husband to maintain his wife and his minor child.

8. Considering the changing circumstances and increasing the price of commodities for livelihood, Rs.5000/-p.m., is necessary. The revision petitioner has not filed any documents to prove that the respondent/wife earned salary regularly.

9. The Court below has rightly decided the issue and ordered to enhance the maintenance amount in M.C. No. 18 of 2016 and hence, this Court is not inclined to interfere with the order passed by the learned Judge, Family Court, Tirunelveli.

10. Finally, this Criminal Revision Case stands dismissed and the order, dated 25.05.2016 passed by the learned Judge, Family Court, Tirunelveli, in M.C. No.18 of 2016, is hereby confirmed. No Costs. Consequently, connected miscellaneous petition is closed. The revision petitioner/husband is directed to pay a sum of Rs.5,000/-(Five Thousand Only) to the respondent/wife, as maintenance, from the date of petition, on or before 5th day of every English calendar month.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.



To

1. The Judge, Family Court, Tirunelveli.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

Cr1.RC(MD)No. 672 of 2016
10.08.2021

RD(17.08.2021) 3P 5C