

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

RESERVED ON	04.08.2021
DELIVERED ON	10/08/21

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CORAM :**THE HONOURABLE MRS.JUSTICE S.ANANTHI**

Crl.RC(MD)No. 737 of 2016
and Crl.MP(MD) No. 10543 of 2016

Murali @ Seenivasan

... Petitioner/Respondent

Vs.

Bhuvana @ Bhuvaneswari

... Respondent/Petitioner

PRAYER: Petition filed under Section 397 & 401 of the Criminal Procedure Code, to call for the records relating to the order passed by the Family Court, Tiruchirapalli in M.C. No.280 of 2014 dated 05.07.2016 and set aside the same and allow this Revision Petition.

For Petitioner : Mr.Sathish Kumar
for Mr.M. Subashbabu

For Respondent : Mr.A.L. Kannan

ORDER

This criminal revision case is filed by the petitioner as against the order, dated 05.07.2016 passed by the learned Judge, Family Court, Tiruchirapalli in M.C. No.280 of 2014.

2. The respondent herein/wife had filed M.C. No.18 of 2002 before the learned Judicial Magistrate No.IV, Trichy, seeking maintenance the same was compromised between the parties. Hence, the maintenance case in M.C.No.18 of 2002 was ordered as dismissed as withdrawn on 28.10.2002. Again, the respondent/wife filed M.C.No.21 of 2005 seeking maintenance for a sum of Rs.5,000/-p.m for herself and Rs.3,000/-p.m., for her minor son, before the learned Chief Judicial Magistrate, Trichy and the same was dismissed on 25.04.2006. Against the dismissal order, the respondent/wife had preferred a review petition in Crl.R.P. No. 47 of 2006 before the learned I Additional District Judge, Trichy, and the said review was allowed on 25.06.2007 and directed the respondent to pay a sum of Rs.500/-p.m., as maintenance to the respondent/wife.

<https://hcservices.courts.gov.in/hcservices/> On the review order, the respondent/wife had filed M.C. No.280 of 2014, to enhance the maintenance amount from



Rs.500/-p.m., to Rs.5,000/-p.m., which was allowed by the learned Judge, Family Court, Tiruchirappalli, on 05.07.2016. Aggrieved by this order, this Revision Petitioner/husband is before this Court.

4. Heard Mr.Sathish Kumar for Mr.M. Subashbabu, learned counsel appearing for the petitioner/husband and Mr.A.L. Kannan, learned Counsel appearing for the respondent/wife.

5. The learned Counsel for the petitioner contended that the learned Judge ought to have considered that the petitioner closed his electrical shop in the year 2003, subsequently, the said shop is running by some other person without changing the name of the petitioner and name of the shop. He further contended that the respondent got some documents through right to information act that the electrical shop is running in the petitioner's name and under the assumption and presumption that the petitioner alone running the shop and thereby the learned Judge passed an award of maintenance Rs.5,000/-to the respondent. Hence, prayed to allow the Criminal Revision Case.

6. The revision petitioner/respondent/husband has filed this revision case to set aside the order, dated 05.07.2016 passed by the learned Judge, Family Court, Tiruchirappalli in M.C. No.280 of 2014.

7. The respondent/petitioner/wife had filed M.C. No.18 of 2002 before the learned Judicial Magistrate No.IV, Trichy for maintenance. Subsequently compromise was made between the parties and hence M.C.No.18 of 2002 was ordered as dismissed as withdrawn on 28.10.2002.

8. Again the respondent/wife filed M.C.No.21 of 2005 seeking maintenance for Rs.5,000/-p.m for herself and Rs.3,000/-p.m., for her minor son, before the learned Chief Judicial Magistrate, Trichy. The petition was dismissed on 25.04.2006. Against the dismissal order, the respondent filed Crl.R.P. No. 47 of 2006 before the learned I Additional District Judge, Trichy, on 25.06.2007 it was allowed and directed the respondent to pay Rs.500/-p.m., to the respondent/wife.

9. The respondent/wife had filed M.C. No.280 of 2014 to enhance the maintenance amount from Rs.500/-p.m., to Rs.5,000/-p.m., which was allowed by the learned Judge, Family Court, Tiruchirappalli, on 05.07.2016.

10. According to the respondent/wife, the revision petitioner is running an agency in the name of Asian Electrical Agencies and earned Rs.40,000/-p.m. To prove the contention of the respondent in Ex.P.3 also marked the same was proved the petitioner's ownership of the Agency.



11. In the year 2007, Rs.500/-p.m., was ordered by the learned I Additional District Judge, Trichy and subsequently, enhancement petition was filed in the year 2014. In the enhancement petition Rs.5,000/-p.m., was ordered.

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12. 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. The petitioner/husband has not preferred any appeal against the maintenance order 25.06.2007 in Crl.R.P. No47 of 2006.

13. 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.

14. The Court below has rightly decided the issue and ordered to enhance the maintenance amount in M.C. No. 280 of 2014 and hence, this Court is not inclined to interfere with the order passed by the learned Judge, Family Court, Tiruchirappalli.

15. Finally, this Criminal Revision Case stands dismissed and the order, dated 05.07.2016 passed by the learned Judge, Family Court, Tiruchirapalli in M.C. No.280 of 2014, is hereby confirmed. No Costs. Consequently, connected miscellaneous petition is closed. The 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 in M.C.No.280 of 2014, on or before 5th day of every English calendar month.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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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, Tiruchirappalli.

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. (2 Copies)

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-25966[F] dated 11/08/2021)

**Order made in
Crl.RC(MD)No. 737 of 2016**

10.08.2021

CN(17.08.2021) 4P 6C