



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WEB COPY

Crl.RC(MD)No.779 of 2017
and
Crl.OP(MD)No.15875 of 2017
and
Crl.MP(MD)No.10565 of 2017
in
Crl.Op(MD)No.15875 of 2017

Crl.RC(MD)No.779 of 2017:

S.Renuga : Petitioner

Vs.

P.Ponnarsami : Respondent

PRAYER: Petition filed under Section 401 of the Criminal Procedure Code against the judgment passed by the learned Additional Sessions Judge, Karur, in Criminal R.C.No.15 of 2017 dated 21.04.2017 modifying the maintenance amount ordered in M.C.No.8 of 2016 by the learned Chief Judicial Magistrate, Karur, dated 17.02.2017.

For Petitioner : Mr.K.Suresh

For Respondent : Mr.A.K.Manickam

Crl.OP(MD)No.15875 of 2017:

P.Ponnarsamy : Petitioner

Vs.

S.Renuka : Respondent

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code against the judgment passed by the learned Additional Sessions Judge, Karur, in Criminal R.C.No.15 of 2017 dated 21.04.2017 and the order passed by the learned Chief Judicial Magistrate, Karur, in M.C.No.8 of 2016 dated 17.02.2017.

For Petitioner : Mr.A.K.Manickam

For Respondent : Mr.K.Suresh



COMMON ORDER

The criminal revision case is filed by the wife and the criminal original petition is filed by the husband. The wife has filed a maintenance application in M.C.No.8 of 2016 before the learned Chief Judicial Magistrate, Karur and the learned Magistrate, vide order dated 17.02.2017, directed the husband to pay a sum of Rs.3,000/-, per month, as maintenance. Aggrieved over the same, the husband has filed a revision case before the learned Additional Sessions Judge, Karur, in Criminal R.C.No.15 of 2017 and the lower appellate Court, vide order dated 21.04.2017, modified the maintenance amount from Rs.3,000/- to Rs.2,000/-. Aggrieved, the parties are before this Court.

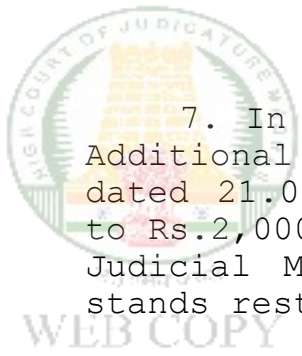
2. Since both the petitions are filed challenging the very same order, both of them are taken up together and are disposed of by way of this common order.

3. The marriage between the parties took place on 29.06.2012 at Sri Balasubramania Swamy Temple, Palamalai, Aravakkurichi Taluk, Karur District and out of the wedlock, there are no issues. For the wife, this is her second marriage after getting divorce from one Senthilkumar, in HMOP.No.45 of 2009 on the file of the Sub Court, Karur. It appears that the marital relationship between the parties ended in strain and the husband has filed a petition for divorce in HMOP.No.389 of 2014 and has obtained an ex-parte decree of divorce. The steps taken by the wife to get the ex-parte decree set aside ended in vain and in the meantime, the husband has married one Selvapriya, a widow.

4. Under such circumstances, the wife has filed the maintenance application seeking maintenance and the learned Chief Judicial Magistrate has considered and ordered for a sum of Rs.3,000/-, as maintenance, per month, to be paid by the husband. However, the revisional Court has reduced the maintenance amount to Rs.2,000/-, stating that the wife herself has deposed that Rs.2,000/- is enough for her to meet her needs and that the wife is already getting a sum of Rs.1,500/- as maintenance from her first husband, Senthilkumar, in view of the orders passed in M.C.No.19 of 2005.

5. Learned Counsel appearing for the husband made strong reliance upon the deposition made by the wife, wherein, she has stated that a sum of Rs.2,000/- is enough for her family needs.

6. This Court, taking into account the present day cost of living, is of the considered opinion that the sum of Rs.3,000/- per month ordered by the Magistrate itself is not enough for a woman to meet her needs. While so, based on a deposition, which was recorded in the year 2016, the revisional Court ought not to have reduced the maintenance amount.



7. In such view of the matter, the order passed by the learned Additional Sessions Judge, Karur, in Criminal R.C.No.15 of 2017 dated 21.04.2017, modifying the maintenance amount from Rs.3,000/- to Rs.2,000/- is set aside and the order passed by the learned Chief Judicial Magistrate, Karur, in M.C.No.8 of 2016 dated 17.02.2017 stands restored.

8. In fine, the criminal revision case is allowed and the criminal original petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

Sd/-

Assistant Registrar

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/ /2021

Sub Assistant Registrar(CS)

To

1.The Additional Sessions Judge,
Karur.

2.The Chief Judicial Magistrate,
Karur.

Copy to:-

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. 2 Copies

+1cc to M/s.K.Suresh Advocate Copy Application Sr.No.17245
dated 23.4.2021.

+1cc to M/s.A.K.Manickam, Advocate Copy Application Sr.No.17402
dated 26.4.2021

**Crl.RC(MD)No.779 of 2017
& Crl.OP(MD)No.15875 of 2017**

23.04.2021

CN(19.05.2021) 3P 7C