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Crl.R.C.No.326 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.326 of 2020

and

Crl.M.P.No.2457 of 2020

L.Sigamani

... Petitioner

Versus

P.Palayavathy

... Respondent

Criminal Revision Case filed under Sections 397 r/w 401 Cr.P.C to set aside the order dated 20.12.2019 made in M.P.No.572 of 2017 in M.C.No.80 of 1989 on the file of the V Additional Family Court, Chennai and to allow the above Criminal Revision Petition.

For Petitioner : Mr.G.Vinodh Kumar

For Respondent : No appearance

ORDER

The Criminal Revision Case is preferred against the order dated 20.12.2019 passed in M.P.No.572 of 2017 in M.C.No.80 of 1989 on the file of the V Additional Family Court, Chennai.



2. The petitioner is the husband and the respondent is the wife of the petitioner. The respondent/wife filed a maintenance case in M.C.No.80 of 1989 before the Principal Family Court, Chennai seeking maintenance. On 19.08.1989, the learned Judge ordered a sum of Rs.300/- per month as maintenance to the respondent herein and Rs.200/- each to the minor children per month as maintenance. The said maintenance amount was enhanced from time to time in the petitions filed by the respondent/wife. Lastly, the respondent/wife filed a petition in M.P.No.572 of 2017 on the file of the V Additional Family Court, Chennai seeking enhancement of monthly maintenance from Rs.1,000/- to Rs.10,000/-. The Family Court, by an order dated 20.12.2019 enhanced the monthly maintenance amount from Rs.1,000/- to Rs.5,000/- to the respondent/wife. Challenging the said order, the petitioner/husband has preferred the present revision.

3. The learned counsel for the petitioner submitted that the petitioner is a retired employee of the Pondicherry Municipality and he has not received pension from his Department till date, and he is maintained by his sons. He further submitted that the respondent/wife got remarried and she is also



having children. Therefore, the respondent is not entitled to get maintenance from the petitioner.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Despite service of notice on the respondent and her name is also printed in the cause list, there is no representation either in person or through counsel.

6. Admittedly, the respondent/wife filed a maintenance case in M.C.No.80 of 1989 and got an order of maintenance of Rs.300/- per month, subsequently, the same was enhanced from time to time in the petitions filed by her. Lastly, the respondent filed M.P.No.572 of 2012 and the Family Court also enhanced the maintenance amount from Rs.1,000/- to Rs.5,000/-.

7. Considering the facts and circumstances and also considering the change of circumstances and cost of living from 1989 to till 2019, the Family Court rightly enhanced the maintenance amount from Rs.1,000/- to Rs.5,000/- which is not excessive or exorbitant.



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8. Since the second marriage of the respondent has not substantiated by the petitioner, this Court does not find any perversity or infirmity in the order of the Court below and there is no merit in the revision and the same is liable to be dismissed. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

14.12.2022

Index : Yes/No
Speaking Order/Non Speaking Order
ms

To

The V Additional Family Court,
Chennai.



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P.VELMURUGAN, J.

ms

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