



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.06.2022

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.R.C.NO.393 OF 2022

1. Lakshmi
2. Kavya

.. Petitioners

Vs.

Sagadevan

.. Respondent

Prayer:

Criminal Revision Petition filed under Section 397 and 401 of Criminal Procedure Code, to modify the order dated 13.02.2020, made in M.C.No.62 of 2017, on the file of the Family Court, Dharmapuri, by enhancing the maintenance amount.

For Petitioners: Mr.A.E.Ravichandran

For Respondent : No appearance

O R D E R

This Criminal Revision Petition has been filed to modify the order dated 13.02.2020, made in M.C.No.62 of 2017, on the file of the Family Court, Dharmapuri, by enhancing the maintenance amount.

2. Heard the learned counsel for the petitioner.

3. Even though, the notice is served, none appeared on behalf of the respondent.

4. The learned counsel for the petitioner submitted that the respondent herein is working as a Lineman in Tamil Nadu Electricity Board at Palayampudhur and even as per Ex. P3 which of the year 2016, the gross salary of the respondent was Rs.41,513/-. Therefore, even taking 25% of the same, the petitioner should be entitled to more than Rs.10,000 and now the



salary of the respondent has also been revised and therefore, he submits that the Trial Court erred in fixing only Rs.2000/- as maintenance for the second petitioner-daughter and Rs.3000/- for the first petitioner-wife, which is grossly inadequate.

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5. I have considered the submissions made by the learned counsel for the petitioner and perused the materials and records of the case.

6. A perusal of the Trial Court order would show that the Trial Court considered the net amount of Rs.16,000/- per month as the salary received. Further, the number of members in the family was also taken into consideration, while fixing the monthly maintenance. However, on a careful perusal of the materials, I am not in agreement with approach of the Trial Court. The Gross Salary of the petitioner should be the guiding factor for fixing the quantum of maintenance as held by the Hon'ble supreme Court of India in the Judgment of Kalyan Dey Chowdhury Vs. Rita Dey Chowdhury Nee Nandy reported in (2017)14 SCC .

7. However, considering the fact that the daughter has already attained majority and she has also been married, she would not be entitled to maintenance from the date of her marriage. However, as far as wife is concerned, the sum of Rs.3000, in the present day context, is extremely inadequate and not proportionate to the amount of salary received by the petitioner. Therefore, considering the facts and circumstances of the case and also the salary of the respondent, I am inclined to enhance the maintenance payable to the wife from Rs.3000/- per month to Rs.6000/- per month from the date of filing of the original maintenance petition. The first petitioner will be entitled to arrears from the date of her petition that is to say from 21.08.2017 and the second petitioner daughter would be entitled to maintenance at the rate fixed by the Trial Court from the date of original maintenance petition till the date of her marriage.

8. Accordingly, the criminal revision is disposed of in the above terms.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Judge,
The Family Court,
Dharmapuri District.

+1cc to Mr.A.E.Ravichandran, Advocate, S.R.No.33239

Cr1.R.C.No.393 of 2022

NRJK (CO)
PM/16/06/2022