

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.R.C.NO.787 OF 2021

AND

CRL.M.P.NO.11751 OF 2021

Joseph Arokiaraj

... Petitioner

Versus

Anthoniammal

... Respondent

Prayer:

Criminal Revision Case is filed under Sections 397 & 401 of Cr.P.C., against the order passed in M.C.No.20 of 2019 dated 23.12.2020 on the file of the Family Court at Karaikal.

For Petitioner : Mr.A.Muthu Kumar

For Respondent : No Appearance

ORDER

This revision is filed as against the order dated 23.12.2020 allowing the application for maintenance filed by the respondent/wife in M.C.No.20 of 2019 by the Family Court at Karaikal.

2. The marriage between parties is admitted. The ground canvassed before this Court in this revision is that the wife is working as contract employee in the Public Works Department, and is earning Rs.6,138/- per month.

3. The learned counsel for the petitioner submitted that even according to the evidence of wife, the husband is earning Rs.12,000/- per month and therefore, ordering a sum of Rs.7,000/- per month as maintenance is on the higher side.

4. Just because of the wife is earning Rs.6,138/- per month maintenance cannot be denied to her as a minimum of Rs.15,000/- is essential for any person to survive in place like Karaikkal. But, however, considering the total income of the petitioner, as mentioned in the evidence, i.e., Rs.12,000/-, and the Hon'ble Supreme Court of India has indicted that ordering 25% of the

income as maintenance can be fair and also considering the fact that the wife also earns part income, the order of the Family Court, Karaikkal needs modification.

5. In the result, the petitioner/husband is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) per month to the respondent/wife towards maintenance from the date of filing of the petition i.e., 29.08.2019.

6. With the above modification, this Criminal Revision Case is partly allowed. Consequently, connected criminal miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Family Court,
Karaikal.

+lcc to Mr.A.Muthu Kumar, Advocate, S.R.No.37929

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and

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NRL(CO)
PM/11/07/2022