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Crl.R.C.No.1452 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1452 of 2022

1.Rebecca Reena

2.Minor Elizabeth Sandra,

Rep. by her mother Rebecca Reena

... Petitioners/Complainant

Vs.

Dr.S. Ponnarasu @ William Issac

... Respondent/Accused

Prayer: Criminal Revision Case filed under Section 397 and 401 CrI.P.C., to set aside the order of the learned District Munsif cum Judicial Magistrate, Thirukazhukundram dated 08.07.2022 in CMP.No.1257 of 2020 and enhance the maintenance amount as prayed for with effect from the date of filing of the application of the petitioners for enhancement of compensation.

For Petitioners : Mr.V. Nicholas

For Respondent : Mr.G. Thyagarajan



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ORDER

This Criminal Revision has been filed seeking to set aside the order dated 08.07.2022 passed in CMP.No.1257 of 2020 by the learned District Munsif cum Judicial Magistrate, Thirukazhukundram and enhance the maintenance amount.

2. The first petitioner is the wife, the respondent is the husband and the second petitioner is the daughter born to them out of their wedlock. Earlier by an order dated 03.09.2019, the respondent/husband was directed to pay Rs.10,000/- per month to the first petitioner/wife and Rs.5,000/- per month to the second petitioner/daughter. Aggrieved over the same, the petitioners filed CMP.No.1257 of 2020 under Section 127 of Cr.P.C., seeking for enhancement of maintenance amount before the learned District Munsif cum Judicial Magistrate, Thirukazhukundram. After hearing both sides and perusing the records, the learned District Munsif cum Judicial Magistrate, Thirukazhukundram, passed an order dated 08.07.2022, enhancing the maintenance amount from Rs.10,000/- to Rs.13,000/- per month for the 1st petitioner and from Rs.5,000/- to



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Rs.10,000/- per month for the second petitioner. Aggrieved over the said order, the petitioners have filed this present revision before this Court.

3. The learned counsel for the petitioners would submit that the order passed by the learned Magistrate is against law and is unsustainable. The learned Magistrate failed to see that the cost of living is increasing day by day and the petitioners could not make both ends meet with the maintenance amount awarded earlier. He would further submit that the second petitioner/daughter is studying and therefore, the cost of maintenance, fees and other expenses to be incurred are increasing. The learned counsel would further submit that the salary of the respondent after the implementation of 7th pay commission has increased and the respondent is getting not less than Rs.2,00,000/- per month including income from other sources. Further, the learned counsel would submit that the petitioners have no other source of income for their maintenance and they are depending upon the maintenance amount given by the respondent.

4. In the affidavit of assets filed by the respondent before the



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learned Magistrate, the respondent had stated that his net monthly income was Rs.90,491/- and in the counter-affidavit filed by the respondent before the learned Magistrate, the respondent has admitted to bear the education expenses of the second petitioner/daughter.

5. Considering the facts and circumstances of the case, this Court do not find any perversity in the order passed by the learned Magistrate in respect of the first petitioner/wife. However, the maintenance amount granted by the learned Magistrate to the second petitioner/daughter is not sufficient and reasonable. Therefore, considering the income of the respondent/husband and the fact that he admitted to bear the education expenses of the second petitioner/daughter, this Court feels it appropriate to enhance the maintenance amount of the second petitioner/daughter.

6. Therefore, the order of the learned District Munsif cum Judicial Magistrate, Thirukazhukundram is modified to the effect that the maintenance amount of the second petitioner/daughter is enhanced from Rs.10,000/- to Rs.20,000/-. As far as the maintenance amount of the first petitioner/wife is concerned, the same remains unaltered.



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7. Accordingly, this Criminal Revision Case is partly allowed.

18.11.2022

Speaking Order/Non Speaking Order

Index : Yes/No

Internet: Yes/No

Sni

To

The District Munsif cum Judicial Magistrate,
Thirukazhukundram



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P.VELMURUGAN, J.

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