



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.30 of 2022

Krishnamoorthy

... Petitioner/Respondent

Vs.

1.Suganthi

2.Minor.Jashvanthkumar

... Respondents/Petitioners

(Represented by his mother the first respondent

Prayer: This Criminal Revision Case filed under Section 397(2) r/w 401 Cr.P.C., to call for the records and set aside the order of the trial Court dated 31.08.2021 in M.C.No.6 of 2019 on the file of Family Court, Ramanathapuram and dismiss the same.

For Petitioner : Mr.V.Raghavachari

For Respondents : No appearance

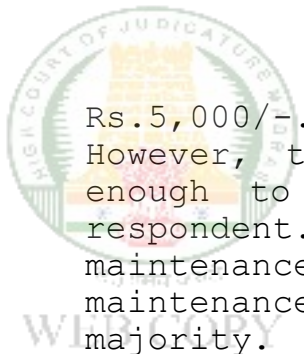
ORDER

This Revision Petition has been filed against the order dated 31.08.2021 made in M.C.No.6 of 2019 on the file of the Family Court, Ramanathapuram, wherein, the learned trial Judge directed the petitioner to pay a sum of Rs.7,000/- as maintenance to the first respondent and pay a sum of Rs.6,000/- as maintenance to the second respondent herein.

2. The case of the petitioner is that he got married the first respondent on 21.05.2002. Due to their wedlock they gave birth to the second respondent herein. Due to the misunderstanding between them, they got separated. Therefore, the first respondent filed a maintenance case in M.C.No.06 of 2019 on the file of the Family Court, Ramanathapuram. Thereafter, the first respondent has filed a petition for divorce in H.M.O.P.No.78 of 2020 on the file of the family Court, Ramanathapuram. Subsequently, the said divorce petition has withdrawn by her.

3. The learned counsel for the petitioner submitted that the first respondent is working as a teacher at private school and she was earning more than a sum of Rs.10,000/- per month. Now, the second respondent attained majority. Till the completion of 18 years alone, the trial Court directed to pay maintenance to him. Therefore, he prays to set aside the order of the trial Court dated 31.08.2019 on the file of Family Court, Ramanathapuram.

4. On perusal of the oral and documentary evidence, it shows that the trial Court ordered maintenance as stated supra. It is also noted that the first respondent categorically admitted that she is working as a teacher in a private school and she is earning a sum of



Rs.5,000/-. Therefore, the admitted fact need not to be proved. However, the Court below concluded that the said amount is not enough to maintain herself/first respondent and her son/second respondent. Therefore, trial Court ordered a sum of Rs.7,000/- as maintenance to the first respondent and a sum of Rs.6,000/- as maintenance to the second respondent, till he attains the age of majority. Now, the second respondent attained majority and therefore, the maintenance awarded to the second respondent has now come to an end.

5. This Court feels that the maintenance awarded in favour of the first respondent is high and it is to be reduced to Rs.4000/- since the first respondent is working as a teacher and earning a sum Rs.5,000/- per month.

6. In view of the above observation, the order of the trial Court dated 31.08.2021 in M.C.No.6 of 2019 is modified to the effect that the petitioner is directed to pay a sum of Rs.4,000/- per month as maintenance to the first petitioner alone.

With the above modification, this Criminal Revision Petition is partly allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Judge,
Family Court, Ramanathapuram.

COPY TO:-

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai. (2 copies)

+1 CC to M/s.V.RAGHAVACHARI, Advocate (SR-13947[F] dated 23/03/2022)

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