



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.135 of 2022

and

Crl.M.P(MD)No.2407 of 2022

Kannappan

... Revision Petitioner

Vs.

Sumathi

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records in Cr.M.P.No.293 of 2019 in M.C.No.21 of 2013, dated 16.11.2011 on the file of the learned Judicial Magistrate, Thirumangalam and to set aside the same.

For Petitioner : Mr.B.Pravin Kumar
for Mr.Babu Rajendran

For Respondent : Mr.V.Rajiv Rufus

ORDER

This revision has been filed as against the order passed in Cr.M.P.No.293 of 2019 in M.C.No.21 of 2013, dated 16.11.2011 on the file of the learned Judicial Magistrate, Thirumangalam, thereby enhanced the maintenance of Rs.1,000/- to Rs.5,000/- per month payable by the petitioner herein.

2.The petitioner and the respondent got married and due to cruelty, the respondent was driven out from the matrimonial home. Hence, she filed a maintenance case in M.C.No.21 of 2013 on the file of the learned Judicial Magistrate, Thirumangalam and the Court below, considered the same and allowed her petition and ordered to pay a sum of Rs.1,000/- as monthly maintenance payable by the petitioner herein by an order, dated 18.03.2015. In the year 2019, the respondent filed a petition in Cr.M.P.No.293 of 2019 under Section 127 of Cr.P.C for enhancement of monthly maintenance and the Court below enhanced the amount from Rs.1,000/- to Rs.5,000/- per month payable by the petitioner. Challenging the same, the petitioner has filed the present revision.



3.Heard both sides and perused the entire materials available on record.

4.On a perusal of the records revealed that the petitioner is doing real estate business and he is earning more than Rs.40,000/- per month. At the same time, the petitioner failed to disprove the same. The petitioner, being the husband of the respondent herein, is duty bound to maintain his wife. Therefore, the Court below enhanced the interim maintenance from Rs.1,000/- to Rs.5,000/- as monthly maintenance payable by the petitioner. It is very meagre in the present era and as such, this Court finds no illegality or irregularity in the order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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 Judicial Magistrate,
Thirumangalam.

+1 CC to M/s.V.RAJIV RUFUS, Advocate (SR-13968[F] dated 23/03/2022)

+1 CC to M/s.BABU RAJENDRAN, Advocate (SR-14094[F] dated 24/03/2022)

Order made in
Crl.R.C (MD)No.135 of 2022
23.03.2022

USK/05.04.2022/2P/4C