



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C(MD)No.335 of 2020

and

CrI.M.P(MD)No.2852 of 2020

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Jeeva Ashok

... Petitioner/Respondent

Vs.

1.Kalarani

2.Minor.Lashyaa

... Respondents/Petitioners

(R - 2 represented by R - 1)

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order, dated 21.11.2019 passed in Cr.M.P.No.293 of 2018 in M.C.No.63 of 2008 on the file of the learned Family Court, Dindigul.

For Petitioner

: Mr.B.Saravanan

for Mr.A.Arul Jenifer

For Respondents

: Mr.S.Palanivelayutham

ORDER

This revision has been filed as against the order passed in Cr.M.P.No.293 of 2018 in M.C.No.63 of 2008 on the file of the Family Court, Dindigul, dated 21.11.2019, thereby enhanced the monthly maintenance from Rs.4,000/- to Rs.10,000/- per month in favour of the first respondent and enhanced the monthly maintenance from Rs.7,500/- to Rs.15,000/- per month in favour of the second respondent.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

3.The petitioner got married the first respondent on 08.02.2004. Out of their wedlock, they gave birth to the second respondent herein. Thereafter, due to misunderstanding the respondents were driven out from the matrimonial home and they are living separately. Since the respondents could not able to maintain themselves, they filed a maintenance case in M.C.No.63 of 2008 on the file of the learned Chief Judicial Magistrate, Dindigul and the same was allowed and the petitioner was directed to pay monthly maintenance of Rs.1,000/- each to both the respondents. Aggrieved by the same, both the petitioner and the respondents have filed



Revisions Petitions in R.C.Nos.36 of 2010 and 1 of 2011 before the trial Court and the monthly maintenance was enhanced to Rs.2,500/- each to the respondents. Again aggrieved by the same, both the petitioner and the respondents have filed revision case in Crl.R.C (MD)Nos.246 and 694 of 2017 before this Court and this Court enhanced the monthly maintenance of Rs.4,000/- in favour of the first respondent and the monthly maintenance of Rs.7,500/- in favour of the second respondent. Thereafter, the respondents filed a petition under Section 127 of Cr.P.C for enhancement of maintenance in Cr.M.P.No.293 of 2018 in M.C.No.63 of 2008.

4.The Court below, considering the enhancement of salary of the petitioner, enhanced the monthly maintenance from Rs.4,000/- to Rs.10,000/- per month in favour of the first respondent and enhanced the monthly maintenance from Rs.7,500/- to Rs.15,000/- per month in favour of the second respondent. The petitioner is working as a Teacher and drawing salary of Rs.75,594/-. Admittedly, the first respondent is working nowhere and the respondents are solely depending on the monthly maintenance. The Court below ordered enhancement of monthly maintenance by calculating one-third of the salary of the petitioner. However, after deduction, the petitioner is receiving less than Rs.40,000/-.

5.Considering the above facts and circumstances of this case, this Court feels that it has to be reduced reasonably. Accordingly, this Criminal Revision Case is partly allowed and the monthly maintenance awarded by the Court below is reduced from Rs.10,000/- to Rs.7,500/- per month in favour of the first respondent and the monthly maintenance awarded by the Court below is reduced from Rs.15,000/- to Rs.10,000/- per month in favour of the second respondent. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (As)

// 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 Judge, Family Court,
Dindigul.

WEB COPY

+1 CC to M/s.A. ARUL JENIFER, Advocate (SR-21571[F] dated
27/04/2022)

+1 CC to M/s.S. PALANI VELAYUTHAM, Advocate (SR-21736[F] dated
27/04/2022)

**Crl.R.C(MD)No.335 of 2020
25.04.2022**

MGJ(11.05.2022) 3P 4C