



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)No.407 of 2021

and

Crl.M.P(MD)No.4235 of 2021

WEB COPY

P.Rajamahendran

... Petitioner/ Respondent/
Respondent

Vs.

1.Sumathi

2.Minor.Athirai Raja

3.Minor. Janani

... Respondents/ Petitioner/
Petitioner

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the entire records connected with the impugned order in Cr.M.P.No.3 of 2020 in M.C.No.6 of 2013, dated 08.03.2021, passed by the Honourable Family Court, Theni and set aside the same.

For Petitioner : Mr.S.Malaikani
For Respondents : Mr.M.A.M.Raja

ORDER

The Criminal revision petition has been filed seeking to set aside the order passed in Cr.M.P.No.3 of 2020 in M.C.No.6 of 2013, dated 08.03.2021, on the file of the Family Court, Theni, thereby, enhanced the maintenance from Rs.5,000/- to Rs.15,000/- in favour of the respondents 2 and 3 herein, payable by the petitioner.

2.The petitioner got married with the first respondent and gave birth to the respondents 2 and 3 herein. Thereafter, driven out from the matrimonial home and now, they are living separately. Though the first respondent is working as a teacher, she could not able to maintain her two children and as such, they were constrained to file a petition for maintenance in M.C.No.6/2013. The Court below, by order, dated 21.08.2014, ordered maintenance of Rs.5,000/- (each) to the respondents 2 and 3 herein, payable by the petitioner. While being so, the respondents had filed a petition under Section 127(1) of Cr.P.C. in the year 2020, for enhancement of compensation, for the reason that they are studying fifth and third standard at Velammal Vidhyalaya School. The school fees itself comes to Rs.38,000/- for two kids.

3.Admittedly, the petitioner is working as a Senior Professor in Government Arts College, Melur. His monthly salary is Rs.1,88,173/- and after subscribing GPF, his take home salary is Rs.1,03,477/-

<https://hcservices.ecourts.gov.in/hcservices/>



4. Therefore, the Court below rightly enhanced the maintenance from Rs.5,000/- to Rs.15,000/- payable to each of the respondents 2 and 3 herein, payable by the petitioner.

5. However, the learned Counsel appearing for the petitioner would submit that while ordering the maintenance, the Court below directed the first respondent to bring the second and third respondents to the Fun Park, situated at Theni-Ananji Road or any common place for both. The petitioner is permitted to visit them. However, the first respondent failed to bring them to the place mentioned in the maintenance order.

6. In this regard, the petitioner can very well approach the Court below for appropriate orders.

7. In view of the above, this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, the criminal revision petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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 Family Court, Theni.

Copy to:

The Section officer, Criminal Section,
Madurai Bench Of Madras High Court, Madurai. (2 COPIES)

+1 CC to M/s.S. MALAIKANI, Advocate (SR-21922[F] dated 28/04/2022)

Crl.R.C.(MD)No.407 of 2021
27.04.2022

_RD(13.05.2022) 2P 5C