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CrI RC .No.440 of 2018

For Petitioner : Mr.B.Lenin Balu
For Respondent : Mr.R.Vigneswari
for M/s.M.Guruprasad

ORDER

This Criminal Revision case has been filed against the order passed by the II Additional District and Sessions Court, Erode in CrI RC No.63 of 2017 dated 14.03.2018, enhancing the maintenance amount payable to the 1st respondent from Rs.1,000/- to RS.2,500/- from the date of filing of the petition i.e., from 08.10.2012 onwards.

2. Heard Mr.B.Lenin Balu, learned counsel for the petitioner and M/s.R.Vigneswari, for M/s.M.Guruprasad, learned counsel appearing for the respondent.

3. The 1st respondent is the wife of the petitioner and the 2nd respondent is the son. The 1st respondent filed the maintenance



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petition under Section 125 of Cr.PC before the District Munsif cum Judicial Magistrate, Perundurai in MC No.18 of 2012. The learned Judicial Magistrate by order dated 24.07.2017, fixed the maintenance amount of Rs.1,000/- payable to the 1st respondent and a sum of Rs.2,500/- payable to the 2nd respondent.

4. Aggrieved by the above order passed by the learned Judicial Magistrate, Perundurai, the respondents filed the Criminal Revision case before the II Additional District and Sessions Court, Erode. The learned Sessions Judge on considering the facts and circumstances of the case and after considering the income earned by the petitioner and the expenses incurred by him, was pleased to enhance the maintenance amount insofar as the 1st respondent is concerned from Rs.1,000/- to Rs.2,500/-. Insofar as the 1st respondent is concerned, the maintenance amount that was fixed by the Trial Court was sustained. Aggrieved by the same, this



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Criminal Revision case has been filed by the respondent before this Court.

5. In the considered view of this Court, the learned II Additional District and Sessions Court at Erode, on considering the income of the petitioner and had also taken into consideration the fact that the sum of Rs.1,000/- which was ordered as maintenance was pittance with which the 1st respondent cannot sustain herself. Accordingly, maintenance was enhanced only insofar as the 1st respondent (Wife) from Rs.1,000/- to Rs.2,500/-. This Court does not find any illegality in the order passed by the Court below and this Court exercising its revisional jurisdiction will never interfere with an order where the maintenance has been fixed at the rate of Rs.2,500/- per month. In view of the fact that the 2nd respondent has already become a major, the maintenance payable to him after he attained majority comes to an end. Thereafter, it is confined



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only to the payment of maintenance to the 1st respondent. The petitioner has to necessarily pay the maintenance to the 1st respondent who is none other than the wife of the petitioner and this Court does not find any merits in this Criminal Revision Case.

6. In the result, this Criminal Revision Case stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

30.03.2023

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
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N. ANAND VENKATESH, J.



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To

1. II Additional Sessions Court at Erode
2. The District Munsif cum Judicial Magistrate Court at Perundurai

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30.03.2023