



Crl.RC.No.1558 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **R.HEMALATHA**

Crl.R.C.No.1558 of 2022

1.Mrs.Bindhu

2.Minor.Kishore

3.Minor.Preethi

(Petitioners 2 & 3 represented by their
mother and Natural guardian Mrs.Bindhu (1st petitioner)

... Petitioners

Vs.

Madhusuthanan

... Respondent

Criminal Revision filed under Sections 397 r/w 401 Cr.P.C., praying to
set aside the quantum of maintenance awarded in the Order passed in
MC.No.7 of 2022 on the file of Additional Mahila Court, at Vellore, Order
dated 12.10.2022.

For Petitioners : Ms.G.Uma Maheswari
for Mr.S.Jayakumar

For respondent : Mr.E.Kannadasan



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ORDER

Challenging the quantum of maintenance awarded by the learned Judicial Magistrate, Additional Mahila Court, Vellore in MC.No.7 of 2022, the petitioners have filed the present revision case.

2. The first petitioner is the wife of the respondent-Madhusuthanan, who is working in the Directorate of General Border Security Force drawing a salary of Rs.70,246/- p.m. After deducting a sum of Rs.5,440/-, his net salary is Rs.64,806/-.

3. Ms.G.Uma Maheswari, learned counsel appearing for the revision petitioner contended that the Trial Court Judge has awarded only a sum of Rs.15,000/- to the petitioner and her two minor children, even though it was specifically stated by her that she is not working anywhere. She therefore, prayed for enhancing the award amount from Rs.15,000/- to Rs.30,000/- per month.

4. Mr.E.Kannadasan, learned counsel appearing for the respondent contended that the order passed by the Trial Court Judge is an exparte order.



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He would submit that the respondent has transferred a sum of Rs.50,000/- to the mother of the first petitioner on 04.11.2022 and a sum of Rs.40,000/- on 08.11.2022. He filed a copy of the statement of accounts issued by State Bank of India, Virinjipuram Branch.

5. It is true that the present respondent did not participate in the proceedings before the Trial Court and he was set exparte. After considering the financial status of the petitioners and the respondent, the Trial Court Judge had awarded maintenance of Rs.15,000/- to the petitioners herein.

6. Ms.G.Uma Maheswari, learned counsel appearing for the revision petitioner contended that the award of Rs.15,000/- is a meagre amount as the first petitioner is unable to maintain herself and her two minor children, who are studying in School with that amount. The respondent did not file any petition to set aside the exparte order passed by the Trial Court on 12.10.2022.



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7. Mr.E.Kannadasan, learned counsel for the respondent contended that as per his instructions such application was filed before the Trial Court and the same is yet to be numbered. The said contention cannot be accepted, since the learned counsel for the respondent is not able to furnish the SR number of the said petition. In any event, since the respondent is working in Directorate General Border Security Force, earning a sum of Rs.70,246/- and his take home salary of Rs.64,806/-, the respondent is directed to pay a sum of Rs.20,000/- per month to the petitioners towards maintenance from the date of filing of the petition in MC.No.7 of 2022, since the sum of Rs.15,000/- appears to be inadequate to maintain his wife and two children.

8. Accordingly, this Criminal Revision Case is allowed.

01.08.2023

Index: Yes/No

Speaking / Non Speaking Order

Neutral Citation Case: Yes/No

kmi

To

1. The Additional Mahila Court,
Vellore.



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