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Crl.R.C(MD)No.108 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.108 of 2018

1. Shanmugasundari
2. Minor. Sakthi Priyamahalakshmi
3. Minor. Pon Iyswarya
(Petitioners 2 and 3 are minors rep. by
their next friend and natural guardian,
the first petitioner herein)

... Petitioners

Vs.

Shanmuganathan

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the judgment dated 15.12.2017 made in M.C. No.3 of 2017 on the file of the Judicial Magistrate Court, Sathankulam and set aside the judgement by allowing this Criminal Revision petition with regard to the quantum of maintenance and enhance the maintenance amount as prayed in the M.C. No.3 of 2017.

For Petitioner	: Mr.P.Subburaj
For Respondent	: Mr.K.Veilmuthu

ORDER

This revision has been filed to set aside the order, dated 15.12.2017 made in M.C. No.3 of 2017 on the file of the learned Judicial Magistrate Court, Sathankulam



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

3.The respondent got married the first petitioner on 11.02.1998 and due to their wedlock they were blessed with two children who are the second and third petitioners herein. Thereafter the respondent developed illegal intimacy with another woman namely Govindammal and gave birth to a male child. Thereafter there was a strained relationship and the petitioners were driven out from the matrimonial home. Hence the first petitioner was unable to maintain herself and the children, therefore she has filed a petition seeking maintenance under section 125 of Cr.P.C before the learned Judicial Magistrate, Sathankulam seeking Rs.15000/- for first petitioner and Rs. 10000/- in favour of the second respondent and Rs.7500/- in favour of the third petitioner.

4. In order to prove their claim the first petitioner was examined as P.W. 1 and marked exhibits Ex.P.1 to Ex.P.4. On the side of the respondent he was examined as D.W.1 and no documents were marked on his behalf.



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5. On perusal of oral and documentary evidence it is seen that the trial court had ordered maintenance of Rs.3000/- in favour of the first petitioner and Rs.1000/- each in favour of the the second and third petitioners. Admittedly the first petitioner is not employed anywhere, whereas the respondent is working as Constable and he is receiving monthly salary of Rs.1 lakh. The respondent failed to prove that the first petitioner herein was employed somewhere. Though the second and third petitioners attained majority and studying college they feel very hard to meet out the educational expenses and also their livelihood. On the other hand the respondent is living with another woman and also gave birth to a male child in the year 2001 itself. The petitioners also produced birth certificate which was marked as Ex.P.4. That apart the respondent failed to pay maintenance and he is in arrears of maintenance payable in favour of the petitioners herein. Therefore this Court is inclined to enhance the maintenance amount payable by the respondent to the tune of Rs.10,000/- to the petitioners. The first petitioner is entitled to receive a monthly maintenance of Rs.5000/- and the petitioners 2 and 3 are entitled to receive a monthly maintenance of Rs. 2500/- each from the respondent.



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6. This Criminal Revision is disposed of accordingly. The petitioners are at liberty to take appropriate steps as against the respondent to execute the order of maintenance in the manner known to law.

24.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

The Judicial Magistrate Court,Sathankulam



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G.K.ILANTHIRAIYAN, J.

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Order made in
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