



Crl.R.C.No.256 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.256 of 2012
and M.P.No.1 of 2012

1. K.Sudha
2. R.S.Asath venkatesh (Minor)
Represented by natural guardian mother,
K.Sudha ... Petitioner

Vs.

S.Rupeeswaran ... Respondent

Prayer: Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code, to modify the order, dated 30.11.2011 made in M.C.No.86/2007 on the file of the Family Court, Coimbatore.

For Petitioner : Mr.N.Ishtiaq Ahmed
For Respondent : No appearance

ORDER

Challenging the Orders, dated 30.11.2011 passed in M.C.No.86/2007 by the Family Court, Coimbatore, the present Criminal Revision is filed by the revision petitioners.

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2. The case of the 1st revision petitioner is that the marriage between her and the respondent was solemnized on 01.07.1998 at Coimbatore and that subsequently, on 20.05.2002, the respondent deserted her and her minor child, the 2nd petitioner. According to the 1st revision petitioner, all her efforts to join her husband went futile. Therefore, she filed H.M.O.P.No.553/2009 for restitution of conjugal rights and M.C.No.86/2007, seeking maintenance of herself and her minor child before the Family Court, Coimbatore, while her husband filed H.M.O.P.No.482/2006 under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act, seeking divorce.

3. The trial Court Judge vide his orders dated 30.11.2011 allowed the applications in H.M.O.P.No.482/2006 filed by the respondent (Husband) and M.C.No.86/2007 filed by the petitioners and dismissed H.M.O.P.No.553/2009 filed by the 1st revision petitioner (wife). The respondent/husband was directed to pay monthly maintenance of Rs.1,000/- to each of the revision petitioner. Aggrieved over the orders passed in M.C.No.86/2007, the present revision petition is filed by the



petitioners, seeking enhancement of maintenance amount.

4. Heard Mr.N.Ishtiaq Ahmed, learned counsel for the petitioners. There is no representation for the Respondent.

5. The learned counsel for the revision petitioners contended that though the orders were passed in the year 2011, the respondent has not paid even any amount towards maintenance till date, even though the respondent himself admitted that he is an income tax assessee.

6. The respondent in the instant case filed a counter stating that since he was directed to pay a sum of Rs.6,00,000/- to the revision petitioner in H.M.O.P.No.482/2006, there is no need to enhance the maintenance amount. It is further stated that he had so far paid a sum of Rs.12,46,000/- to the revision petitioners.

7. A perusal of the records shows that in



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H.M.O.P.No.482/2006, the trial Court had awarded a sum of Rs.6,00,000/- as one time settlement while allowing the said petition, as against which, the first petitioner filed C.M.A.No.912/2014 before the Division Bench of this Court wherein the Division Bench has directed the respondent to pay a sum of Rs.6,00,000/- together with interest @ 8% per annum.

8. Award of Rs.6,00,000/- towards maintenance by the wife in H.M.O.P.No.482/2006 would not preclude her from getting an order under Section 125 Cr.P.C., The orders were passed by the trial Court in M.C.No.86/2007 during 2011. Considering the cost of living and inflation, the maintenance amount is enhanced to Rs.5,000/- per month (Rs.3,000/- to the 1st revision petitioner and Rs.2,000/- to the 2nd revision petitioner). The respondent is directed to pay the said amount to the revision petitioners on or before 5th day of every English calendar month. The arrears amount shall be paid within a period of two months from the date of receipt of a copy of this order.

9. In the result, the Criminal Revision Case is allowed and the



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maintenance amount payable to the revision petitioners is enhanced to Rs.5,000/-p.m. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes / No
vum

To

The Family Court, Coimbatore.

R. HEMALATHA, J.

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