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Crl.R.C.No.2144 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.2144 of 2023

1. S.Uma
2. Minor S.Sanjai
3. Minor S.Jositha

... Petitioners

(Minor petitioners 2 and 3 represented their guardian / mother, the first petitioner viz., Uma)

Vs.

N.Senthil Kumar,
The Headmaster,
Government Middle School, Naatrampalli,
Tiruppattur Taluk and District.

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w Section 401 of the code of Criminal Procedure, 1973 to set aside the order dated 01.10.2022 made in M.C.No.12 of 2021 on the file of the Family Court, Dharmapuri, in respect of quantum and enhance the amount as prayed in the petition in M.C.No.12 of 2021 by allowing the Criminal Revision Petition.

For Petitioners : Mr.M.Vijaya Ragavan

For Respondent : Mr.B.Sundarapandiyam

ORDER



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This criminal revision petition has been filed to set aside the order dated 01.10.2022, passed by the learned Judge, Family Court, Dharmapuri, in M.C.No.12 of 2021.

2. The petitioners are the wife and children of the respondent.

The marriage between the first petitioner and the respondent was solemnized on 24.01.2007. Due to matrimonial dispute and misunderstanding between them, they are living separately and the children are living with the first petitioner. In the meantime, the petitioners filed a maintenance case in M.C.No.12 of 2021 on the file of the Family Court, Dharmapuri, seeking maintenance of Rs.30,000/- per month to the first petitioner and Rs.20,000/- per month each to the second and third petitioners and Rs.5,00,000/- per annum for house rent, clothing, medical and educational expenses. The trial Court, after hearing both sides, partly allowed the petition, directing the respondent to pay the monthly maintenance of Rs.10,000/- per month to the first petitioner and Rs.5,000/- each to the second and third petitioners and Rs.30,000/- per year for educational and other expenses from the date of filing the petition. Challenging the said order, the petitioners filed the present



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revision petition.

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3. The learned counsel for the petitioners submitted that the Court below awarded meager amount of Rs.10,000/- per month to the first petitioner and Rs.5,000/- per month to each of the second and third petitioners, without considering the fact that the respondent is having well capacity to pay more amount. Moreover, the second petitioner is studying XI Standard and the third petitioner is studying VII Standard and therefore, a sum of Rs.30,000/- awarded for educational and other expenses is not sufficient for the children. Hence, the order of the Court below is to be set aside. However, it would suffice if this Court permits the first petitioner to file a petition seeking enhancement under Section 127 of Cr.P.C before the Court below.

4. Per contra, the learned counsel for the respondent submitted that the Court below has assigned proper reasons while awarding the compensation and it does not require the interference of this Court.

5. In view of the limited request made by the learned counsel



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for the petitioners, this Court, without interfering with the order impugned herein, permits the first petitioner to file a petition seeking enhancement in terms of Section 127 of Cr.P.C before the Court below, within a period of two weeks from the date of receipt of a copy of this order. If any petition is filed by the first petitioner, the Court below, after providing an opportunity of being heard to both parties, shall dispose of the same within a period of three months from the date of filing the petition filed by the first petitioner.

6. Accordingly, this Criminal Revision Petition is disposed of.

17.04.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To



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The learned Judge,
Family Court,
Dharmapuri.



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M.DHANDAPANI, J.

vji

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