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CrI.R.C.No.1507 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.1507 of 2022

And

CrI.M.P.No.17490 of 2022

R.Jeevarathinam

... Petitioner

Vs.

1.Kasthuri

2.J.Sakthi Priya

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to set aside the order dated 20.06.2022 passed in M.P.No.976 of 2012 in M.C.No.411 of 2005 by the VII Additional Family Court, Chennai, thereby enhancing the maintenance amount of Rs.3,000/- payable to the first respondent to Rs.8,500/- and from a sum of Rs.2,000/- enhanced to Rs.10,000/- payable to the second respondent.

For Petitioner : M/s.S.P.Arthi

For Respondents : Mr.D.Ajith Kumar

ORDER

The criminal revision case has been filed seeking to set aside the order dated 20.06.2022 passed in M.P.No.976 of 2012 in M.C.No.411 of 2005 by the VII Additional Family Court, Chennai.



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2.The case of the petitioner is that the petitioner is the husband and the first respondent is the wife. Their marriage was solemnized on 13.11.1997 and out of the wedlock, they were blessed with the second respondent. Thereafter there was a matrimonial dispute between them and the respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.411 of 2005 before the II Additional Family Court, Chennai claiming a sum of Rs.8,000/- per month as maintenance and the learned II Additional Principal Judge allowed the said petition and directed the petitioner to pay a sum of Rs.5,000/- per month (Rs.3,000/- to the first respondent and Rs.2,000/- to the second respondent) towards maintenance from the date of the petition i.e., 17.08.2005. Thereafter, the respondents filed petition under Section 127 of Cr.P.C. in M.P.No.976 of 2012 seeking enhancement of the maintenance amount from Rs.5,000/- to Rs.20,000/- before the VII Additional Family Court, Chennai and the learned VII Additional Principal Judge allowed the said petition and directed the petitioner to pay a sum of Rs.18,500/- per month (Rs.8,500/- to the first respondent and Rs.10,000/- to the second respondent) towards maintenance from the date of the petition i.e., 19.12.2012. Challenging the same, the present revision has been filed.



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3.The learned counsel appearing for the petitioner submitted that the petitioner is under the care and custody of his brothers and income is only from the assets which is rented out to others and earn only a sum of Rs.17,500/- and hence, the Court below directing the petitioner to pay a sum of Rs.18,500/- per month to the respondents towards maintenance is not sustainable one. The learned counsel further submitted that the Court below has ordered to pay the enhanced monthly maintenance from the date of the petition, which is also highly excessive.

4.Per contra, the learned counsel appearing for the respondents submitted that the petitioner has mis-conceived the order and further submitted that the Court below has directed to pay the enhanced maintenance amount from the date of the petition in M.P.No.976 of 2012 i.e., 19.12.2012 and not from the date of the petition in maintenance case i.e., 17.08.2005. The learned counsel further submitted that the petitioner earn more than Rs.35,000/- per month and the Court below has ordered to pay only a sum of Rs.18,500/- per month to the respondents. The learned counsel further submitted that the second respondent suffer renal problem and the monthly



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medical expenditure incurred is more than Rs.10,000/- per month.

Hence the impugned order warrants no interference.

5. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

6. The facts of the case and the relationship between the parties is not disputed. Pursuant to the matrimonial dispute, the respondents filed maintenance case in M.C.No.411 of 2005 claiming a sum of Rs.8,000/- per month as maintenance and the learned II Additional Principal Judge allowed the said petition and directed the petitioner to pay a sum of Rs.5,000/- per month (Rs.3,000/- to the first respondent and Rs.2,000/- to the second respondent) towards maintenance from the date of the petition i.e., 17.08.2005. Thereafter, the respondents filed petition under Section 127 of Cr.P.C. in M.P.No.976 of 2012 seeking enhancement of the maintenance amount from Rs.5,000/- to Rs.20,000/- and the learned VII Additional Principal Judge allowed the said petition and directed the petitioner to pay a sum of Rs.18,500/- per month (Rs.8,500/- to the first respondent and Rs.10,000/- to the second respondent) towards maintenance from the date of the said petition i.e., 19.12.2012.



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7.Considering the facts and circumstances of the case, this Court directs the petitioner to pay a sum of Rs.5,000/- per month (Rs.3,000/- to the first respondent and Rs.2,000/- to the second respondent) towards maintenance from the date of the petition in M.C.No.411 of 2005 i.e., 17.08.2005 till the date of the order in M.P.No.976 of 2012 i.e., 20.06.2022. Thereafter, the petitioner shall pay a Rs.18,500/- per month (Rs.8,500/- to the first respondent and Rs.10,000/- to the second respondent) towards maintenance.

8.The petitioner shall deposit the entire arrears amount as modified in this order to the credit of M.P.No.976 of 2012 in M.C.No.411 of 2005 on the file of the VII Additional Family Court, Chennai, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this order and shall continue to pay a sum of Rs.18,500/- per month to the respondents towards maintenance on or before 7th of every succeeding English Calender Month. Liberty is granted to the petitioner and the respondents to file appropriate petition for modification in the manner known to law, if any circumstances arise in future.



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M.DHANDAPANI,J.
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9.This revision is disposed of on the above terms.
Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The VII Additional Family Court,
Chennai.

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