



Crl. R.C.No. 1182 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment Reserved on	13.09.2023
Judgment Pronounced on	29.05.2024

Coram

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.R.C.No.1182 of 2019

1.V.Manjula
2.Minor V.Vijaykanna
3.Minor V.Nandini

.. Petitioners

Vs

K.Velmurugan

.. Respondent

Prayer: Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C to call for the records culminating in the Order dated 21.08.2019 passed in F.C.M.C.No.65 of 2017 by the learned Family Judge, Family Court, Vellore, Revise the same and enhance the monthly maintenance amount awarded therein to Rs.20,000/- for the 1st petitioner, Rs.15,000/-each to the 2nd and 3rd petitioners to be paid to them from the date of filing of the said F.C.M.C.No.65 of 2017 and Rs.50,000/- towards litigation expenses.

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For Petitioners	.. Ms.S.Sweda for Mr.A.Arun
For Respondent	.. Mr.S.Deivasigamani for MR.V.Arul

JUDGMENT

The Petitioners had preferred the Criminal Revision case to call for the records culminating in the Order dated 21.08.2019 passed in F.C.M.C.No.65 of 2017 by the learned Family Judge, Family Court, Vellore, revise the same and enhance the monthly maintenance amount awarded therein to Rs.20,000/- for the 1st petitioner, Rs.15,000/-each to the 2nd and 3rd petitioners to be paid to them from the date of filing of the said F.C.M.C.No.65 of 2017 and Rs.50,000/- towards litigation expenses.

2. The learned Counsel appearing for the Revision Petitioner submitted that the Revision Petitioner/Wife, who is the Petitioner in F.C.M.C.No.65 of 2017 before



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the learned Judge, Family Court, Vellore. The Petitioner/Wife had examined herself as P.W.1. The Senior Section Engineer of Katpadi Division under whom the Respondent/Husband was working as Section Engineer, Signal and Communication was examined as P.W-2. As per the evidence of P.W-2, the monthly salary of Respondent is Rs.59,493/-. After deduction it is Rs.42,713/-. As per the Petitioner's contention he is earning approximately Rs.60,000/- per month and through agriculture and other source of income. He owns 4 acres of agricultural land and building which is leased out for rent, through which his total income per month is at Rs.1,20,000/- as per the claim petition.

3.After due enquiry, on appreciation of evidence, the learned Judge, Family Court, had granted maintenance to the Petitioner and minor children as Petitioners 2 & 3. Accordingly, the learned Judge Family Court, Vellore, had granted a sum of Rs.10,000/- as monthly maintenance for the 1st petitioner/wife and Rs.60,000/- to the minor children per month and Rs.25,000/- towards litigation expenses. Aggrieved by the same, the wife, who is the petitioner in F.C.M.C.No.65 of 2017 on



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the file of the learned Judge, Family Court, Vellore, had preferred this Criminal Revision Case seeking enhancement of the maintenance.

4. In F.C.M.C.No.65 of 2017 the wife had claimed a sum of Rs.25,000/- for her and Rs.15,000/- for the children and Rs.50,000/- towards litigation expenses.

5.Considering the fact that the Petitioner was working as Technician under the Senior Section Engineer, Signal Southern Railways, Katpadi Division, the Senior Section Engineer, Southern Railways was examined as P.W.2. The learned Judge had calculated the monthly income and granted Rs.10,000/- to the wife and Rs.6000/- each to the minor children.

6.The learned Counsel for the Respondent/Husband submitted that what had been calculated by the learned Judge, Family Court, Vellore, is a well reasoned order and it does not warrant any interference by this Court. Further, he would



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submit that during the pendency of this Criminal Revision Case, the 2nd Petitioner/Son had attained age of majority.

7. When the case came up for hearing, on an earlier occasion i.e., 05.09.2023 the learned Counsel for the Revision Petitioner/Wife submitted that there had been arrears of maintenance from the Respondent. The learned Counsel for the Respondent disputed the claim stating that he had paid entire dues. Therefore, the case was adjourned seeking particulars from the learned Counsel for the Revision Petitioner/Wife and learned Counsel for the Respondent. This Court had also sought remarks from the learned Judge, Family Court, Vellore, regarding the amount already deposited before the Court concerned in C.M.P.No.45 of 2022 filed by the Revision Petitioner on behalf of herself and minor children.

8. Accordingly, the learned Judge, Family Court, Vellore in letter in D.No.919/2023 dated 12.09.2023 had reported that the Respondent/Husband had



paid amounts as extracted hereunder:

"9.The 3rd minor petitioner has preferred C.M.P.No238 of 2022 for the period of 01.09.2021 to 31.07.2022 for Rs.6,000 x 11 months=Rs.66,000/-. The respondent has paid Rs.56,000/- till 7.09.2023 and the balance is Rs.10,000/-. The petition is pending for payment."

9.Therefore, out of the litigation expenses only Rs.14,000/- had been deposited.

Point for consideration

Whether the order passed by the learned Judge, Family Court, Vellore in F.C.M.C.No.65 of 2017 dated 21.08.2019 is to be enhanced?

10. On consideration of the rival submissions, it is found that on the basis of due enquiry conducted before the learned Judge, Family Court, Vellore, the Senior Section Engineer, Southern Railways, Katpadi who was examined as P.W-2 had stated that the Respondent in this case, the husband of the first Petitioner and father of the Petitioners 2 and 3 was working as Technician (Signal and Communication



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Department of Southern Railways) at Katpadi. Therefore, his Senior Section Engineer (Signals) was summoned as P.W-2. He had clearly deposed that the take-home salary of the first Respondent, the husband of the first Petitioner is Rs.47,000/-. Therefore, the learned Judge, Family Court had granted a decree for maintenance by granting Rs.10,000/- as monthly maintenance for the mother and Rs.6,000/- each for the minor sons/Petitioners 2 and 3. In this case, the Revision was filed by the wife seeking enhancement of the maintenance from the meagre amount granted by the learned Judge, Family Court, Vellore is Rs.10,000/- to Rs.20,000/- to the first Petitioner; from Rs.6,000/- to Rs.15,000/- to minor Petitioners 2 and 3 and from Rs.25,000/- to Rs.50,000/- for litigation expenses. As per his claim, the Petitioners are to be paid maintenance as the husband/first Respondent is earning Rs.47,000/-. When the Revision Petition was pending, the elder son of the Petitioner had attained the age of majority. Therefore, he need not be paid for his maintenance.

11. The submission of the learned Counsel for the Respondent/husband that



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what was awarded by the learned Judge, Family Court is a reasonable Order which does not warrant interference will not hold good in this case. As per the evidence of Senior Section Engineer, the husband of the first Petitioner and father of the minors 2 and 3, the Respondent was serving in the Southern Railways under the Senior Section Engineer as a Technician. His salary was Rs.59,493/- in the month of 2018. After deduction, it was Rs.42,713/-. Therefore, the maintenance for the wife is enhanced from 10,000/- to Rs.15,000/-. Litigation Expenses is enhanced from 25,000/- to Rs.50,000/-.

12. Considering the claim of enhancement, the maintenance of the wife alone is enhanced by Rs.15,000/-. The Order passed by the learned Judge, Family Court, Vellore regarding monthly maintenance for the minor children are maintained as such. Litigation Expenses is enhanced from Rs.25,000/- to Rs.50,000/-.

13. In the light of the above discussion, the point for consideration is answered in favour of the Petitioners and against the Respondent.



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14. In the light of the above, the amount is modified as follows:

The monthly maintenance of wife will be Rs.15,000/- p.m.,

The maintenance already granted to the children/Petitioners 2 and 3 are maintained as such. There is no enhancement. Litigation Expenses is enhanced from Rs.25,000/- to Rs.50,000/-.

In the result, this ***Criminal Revision case is partly allowed.*** The order passed by the learned Judge, Family Court, Vellore in F.C.M.C.No.65 of 2017 dated 21.08.2019 is modified. The monthly maintenance of wife will be Rs.15,000/- p.m.

The maintenance already granted to the children/Petitioners 2 and 3 are maintained as such. There is no enhancement. Litigation Expenses is enhanced from Rs.25,000/- to Rs.50,000/-

29.05.2024

vsn/dh

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order



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SATHI KUMAR SUKUMARA KURUP.J.

vsn/dh

To
The Judge,
Family Court,
Vellore.

Judgment made in
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