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**Criminal R.C. No. 46 of 2023
and Criminal O.P. No. 8570 of 2023
and Criminal M.P. No. 5452 of 2023**

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM

THE HONOURABLE MR.JUSTICE Dr. G.JAYACHANDRAN

Criminal R.C. No. 46 of 2023
and
Criminal O.P. No. 8570 of 2023
and
Criminal M.P. No. 5452 of 2023

Criminal. R.C. No. 46 of 2023:-

1. Chithra
2. Minor Senthilmurugan

... Petitioners

-VS-

Mayakrishnan

... Respondent

PRAYER: Criminal Revision Case has been filed under Section 397 read with Section 401 of the Code of Criminal Procedure to set aside the order dated 01.11.2022 made in Revision Petition No. 107 of 2021 on the file of Additional District (Fast Track) Court, Villupuram in partly modifying the order dated 21.04.2021 passed in M.C. No. 2 of 2015 on the file of Judicial Magistrate Court, Thirukovilur, and to allow the above Criminal Revision Petition by enhancing the maintenance amount.



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and Criminal M.P. No. 5452 of 2023**

For Petitioners : Mr. C.Prabakaran
For Respondent : Mr. V.Rajendran

Criminal O.P. No. 8570 of 2023:-

S.Mayakrishnan ...Petitioner

-VS-

1. Minor Senthil Murugan
Rep. By his Mother Chitra

2. Chitra ...Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to allow the petition and set aside the order dated 21.04.2021 passed in M.C. No. 2 of 2015 on the file of Judicial Magistrate, Tirukoilur, Villupuram District as are partly confirmed by the order dated 01.11.2022 passed in CrI. R.C. No. 107 of 2021 on the file of the Additional District Court (Fast Track) Court at Villupuram.

For Petitioner : Mr. V.Rajendran

For Respondents : Mr. C.Prabakaran



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COMMON ORDER

Heard the learned counsel for the parties.

2. The petition filed challenging the order passed by the Additional District Court (Fast Track), Villupuram in Crl. R.C. No. 107 of 2021.

3. Chitra the wife of Mayakrishnan has filed the maintenance case in M.C. No. 2 of 2015 on the file of the Judicial Magistrate, Thirukovilur seeking maintenance of Rs. 3,000/- for herself and Rs. 3,000/- for her minor son. The Judicial Magistrate, Thirukovilur after taking into consideration the earning capacity of the husband and the probable income of the petitioner /wife had awarded maintenance of Rs. 2,500/- per month to each of the petitioners.

4. Aggrieved by the order of the Judicial Magistrate, Thirukovilur, the husband has preferred Revision before the Additional District Court



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(Fast Track), Villupuram stating that due to his illness he is totally immobile and he has no independent income. Therefore, maintenance of Rs. 5,000/- has to be reduced.

5. The Revision Court after considering the facts and the plea taken by the revision petitioner modified the maintenance amount of Rs. 2,500/- per month to Rs. 2,000/- for each of the petitioners.

6. Being aggrieved by the modification, the wife has preferred Crl. R.C. No. 46 of 2023, whereas the husband has preferred Crl. O.P. No. 8570 of 2023 to set aside the order of the Additional District Court (Fast Track), Villupuram dated 21.04.2024 passed in Crl.R.C. No. 107 of 2021.

7. While the learned counsel appearing for the husband /petitioner in Crl. O.P. No. 8570 of 2023 contended that the petitioner has lost his earning capacity and he is totally dependent on others. Whereas the



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respondent /wife is gainfully employed in a private hospital. Hence, the petitioner must be exonerated from paying any maintenance.

8. Contrarily the learned counsel appearing for the petitioners in Crl. R.C. No. 46 of 2023 submitted that Mayakrishnan is having sufficient income through rearing cattles and doing milk business. That apart, he is gainfully employed in a quarry. Hence, Rs. 2,000/- each per month for the petitioner wife and the minor boy, who is presently aged 15 years old is very meagre and therefore, the maintenance amount should be enhanced.

9. This Court, on considering the evidence let in by the parties and on the discussion of the Court below, is of the opinion that the maintenance amount fixed by the Additional District Court (Fast Track) Villupuram in Crl. R.C. No. 107 of 2021 is very reasonable and justifiable for 40 years old lady, who is taking care of 15 years old minor boy and caring him as a single mother needs. She certainly needs some



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financial supports, externally apart from her own earnings. The Additional District Court (Fast Track) Villupuram has rightly fixed Rs. 4,000/- as monthly maintenance, i.e., Rs. 2,000/- each per month. The amount fixed for maintenance is reasonable and justifiable.

10. Hence the Criminal R.C. No. 46 of 2023 and Criminal O.P. No. 8570 of 2023 are dismissed. Consequently, Criminal M.P. No. 5452 of 2023 is closed.

10.07.2024

Index:yes/no

Neutral Citation:yes/no

Maya

To:

1. The Judicial Magistrate, Thirukovilur.
2. Additional District Court (Fast Track)
Villupuram.



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Dr. G.JAYACHANDRAN, J.

Maya

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