



Crl.R.C.No.2219 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

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1.Mrs.Lourdomary,
D/o.Anthonysamy

2.Minor Rincy Julina Roy,
Rep by her mother
Mrs.Lourdomary,
D/o.Johnson
Both residing at
Salekkarai Village,
Periakrishnapuram,
Andimandapam,
Ariyalur.

... Petitioner

Vs.

Johnson

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C, to set aside the order of Court below in M.C.No.4 of 2023 on the file of the Family Court, Ariyalur dated 20.11.2023 and enhance the maintenance.



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For Petitioners : Mr.V.Sairam

For Respondent : Mr.C.Prabakaran

ORDER

The 1st petitioner/estranged wife of the respondent has filed a maintenance case against the respondent in F.C.M.C.No.4 of 2023 before the learned Judge, Family Court, Ariyalur. The learned Judge, Family Court, Ariyalur *vide* impugned order, dated 20.11.2023 partly allowed the petition directing the respondent to pay a sum of Rs.12,000/- each to the 1st & 2nd petitioners on the 5th day of every English Calender month and also directing to pay Rs.10,000/- as litigation expenses to the petitioners. To enhance the said maintenance amount, the petitioners filed the present criminal revision case.

2.The learned counsel for the petitioners submitted that the Lower Court erred in fixing meagre amount of Rs.12,000/- each for the petitioners eventhough the respondent is working as PG Assistant Teacher and earning a sum of Rs.86,848/- per month. Apart from that, the respondent is taking tuition for the students and having extra income. Hence, the petitioners



filed the present criminal revision case to enhance the maintenance amount of Rs.12,000/- each to Rs.25,000/- each.

3.The learned counsel for the respondent submitted that the respondent is working as PG Assistant Teacher having income of Rs.86,848/-, but not conducting any tuition. With the monthly salary, the petitioner has to maintain his elderly parents and also to take care of his other obligations. The petitioner took personal loan for immediate family expenses, that has to be repaid. Apart from this, the petitioners are residing in the property of the respondent having rent free accommodation. The property would fetch Rs.10,000/- as rental which is added benefit to the petitioners.

4.The learned counsel for the petitioners admitted that the petitioners are residing in the house of the respondent enjoying rent free accommodation, but the 1st petitioner is only paying the school and tuition fees for the minor daughter/2nd petitioner which comes around Rs.80,000/- a year, hence there must be some increase in the monthly maintenance.



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5. On instructions, both the learned counsel for the petitioners and the learned counsel for the respondent agreed for enhancing the maintenance amount of the 2nd petitioner's alone from Rs.12,000/- to Rs.14,000/-.

6. In view of the above, the respondent is directed to pay a sum of Rs.14,000/- to the 2nd petitioner on the 5th day of every English calendar month. In total, the respondent to pay Rs.26,000/- (Rs.12,000/- to the 1st petitioner and Rs.14,000/- to the 2nd petitioner) to the petitioners.

7. With the above modifications, this criminal revision case stands disposed of.

12.09.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

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To

The Family Court,
Ariyalur.



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M.NIRMAL KUMAR, J.

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