



Crl.R.C.(MD)No.794 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2024

CORAM

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD)No.794 of 2023

and

Crl.M.P.(MD)No.10674 of 2023

K.Sethamil Selvan

... Petitioner

Vs.

1.Prabha

2.Minor Shanmugapriya

(Representing through her mother
& natural guardian/first respondent)

... Respondents

PRAYER : Criminal Revision Case has been filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records relating to the impugned order in M.C.No.11 of 2022 dated 17.04.2023 passed by the Family Court, Thanjavur and set aside the same.

For Petitioner : Mr.P.Edin Brough

For Respondent : Mr.A.Senthilkumar



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ORDER

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This criminal revision case has been filed to set aside the impugned order in M.C.No.11 of 2022 dated 17.04.2023 passed by the Family Court, Thanjavur.

2.The petitioner herein is the husband of the first respondent and their marriage was took place on 13.09.2007. Due to matrimonial dispute, they got separated. Thereafter, the petitioner filed a petition for divorce in HMOP.No.142 of 2020 before the Family Court, Thanjavur. The first respondent herein filed a petition for maintenance in M.C.No.11 of 2022. The petitioner filed a counter by stating that the first respondent herein has several income sources and she is not entitled for the maintenance. In order to prove the claim of the first respondent, she examined herself as P.W.1 and marked Ex.P.1 to Ex.P.14 and the petitioner examined himself as R.W.1 and marked Ex.R.1. The learned Trial Judge, after considering the status of the parties and other aspects, granted maintenance of Rs.36,666/-. That apart, the petitioner was directed to pay Rs.50,000/- for the Education expenses of the second respondent. Challenging the same, the petitioner filed the present



criminal revision case.

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3.The learned counsel appearing for the petitioner submitted that the petitioner is working as Manager in the Electricity Board, however, after deduction, he receives only Rs.45,514/-. Hence, the award amount of Rs.36,666/- granted by the learned Trial Judge is not in accordance with law and therefore, he seeks interference in the quantum of maintenance amount granted by the Court below.

4.The learned counsel appearing for the respondents submitted that the petitioner herein is not only receiving salary but also, having number of properties. Apart from that, in order to avoid paying maintenance amount, he obtained loan and hence, he seeks dismissal of this petition.

5.This Court considered the rival submissions made on either side and perused the materials available in the records.

6.The relationship between the parties is not disputed by the petitioner and the trial Court found that due to matrimonial dispute, the



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respondents are living separately and came to the conclusion that they are entitled for the maintenance. It is seen that the monthly salary income of the petitioner was proved before the Court below as Rs. 1,34,107/-. It is also seen that a sum of Rs.23,788/- was deducted from the petitioner's salary for Society loan. He has to maintain 72 year age old mother and 44 year old deserted and destitute sister and his children. He is living in the rental house. Considering the above mitigating circumstances this court is inclined to interfere with the quantum of maintenance and to reduce the maintenance amount from Rs.36,666/- to Rs.30,000/-. Accordingly, the petitioner is directed to pay maintenance amount of Rs.30,000/- to the respondents and further, he shall compute the arrears and deposit the arrears amount, within a period of two months from the date of receipt of a copy of this order. Insofar as further direction of the Court below to pay education expenses to the 2nd respondent is concerned, this Court is of the view that there is no ground to interfere with the same and hence, the petitioner shall deposit a sum of Rs.50,000/- per year towards educational expenses of the second respondent as directed by the Court below.



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8. Accordingly, this Criminal Revision Case is partly allowed. The maintenance amount awarded by the learned Judge, Family Court, Thanjavur, in M.C. No.11 of 2022, dated 17.04.2023, fixing a sum of Rs. 36,666/-, is hereby reduced to Rs.30,000/-. Consequently, the connected miscellaneous petition is closed.

25.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

The Family Court, Thanjavur



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K.K.RAMAKRISHNAN,J.

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