



Crl.R.C.(MD)No.403 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2024

CORAM

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

Crl.R.C.(MD)No.403 of 2024
and Crl.M.P.(MD)No.4377 of 2024

Perumal

... Petitioner

Vs.

Samudhiram

... Respondent

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records of the order dated 18.11.2022 passed in Crl.M.P.No.1359 of 2017 in M.C.No.57 of 1982 on the file of the learned Judicial Magistrate, Tenkasi and set aside the same.

For Petitioner : Mr.S.Vishnuvardhan

For Respondent : Mr.R.Mathava Selvam

ORDER

This criminal revision case has been filed to set aside the order dated 18.11.2022 passed in Crl.M.P.No.1359 of 2017 in M.C.No.57 of 1982 on the file of the learned Judicial Magistrate, Tenkasi.



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2.The petitioner, who is the husband of the respondent, has filed this revision challenging the order passed by the learned Judicial Magistrate, Tenkasi in Crl.M.P.No.1359 of 2017, which was filed under Section 127 Cr.P.C., to enhance the maintenance amount awarded in M.C.No.57 of 1982.

3.Earlier the respondent herein filed a maintenance case in M.C.No.57 of 1982 before the learned Judicial Magistrate, Senkottai claiming maintenance of Rs.70/- to her and Rs.30/- to their son. The learned Magistrate, after considering the merits of the case, granted maintenance of Rs.70/- and Rs.30/- for the respondent and their son. Thereafter, the respondent filed a petition for enhancement and the same was allowed on 19.08.2005 and the petitioner was directed to pay a sum of Rs.1,000/- to the respondent and a sum of Rs.500/- to their son. The said order was challenged by the petitioner herein in Crl.R.C.No.68 of 2005 before the I Additional Sub Court, Tirunelveli and the same was disposed of by ordering the petitioner to pay a sum of Rs.1,000/- to the respondent alone. Thereafter, the respondent filed a petition in Crl.M.P.No.1359 of 2017 to enhance the maintenance amount by stating



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that the petitioner herein is having several properties and also having several income sources. The petitioner filed a counter by stating that the respondent herein is having relationship with some other person and hence, she is not entitled for maintenance. That apart, except pension, there is no other income available to him. After considering all the aspects, the learned Magistrate enhanced the maintenance amount from Rs.1,000/- to Rs.4,000/-. Challenging the said order, the present revision has been filed.

4.The learned counsel appearing for the petitioner/husband submits that the Court below failed to see that the respondent/wife is having number of movable and immovable properties and the same was not properly considered. Further, the respondent filed the above petition by stating that the petitioner is having several properties, which is not correct and he is only receiving pension amount of Rs.15,000/-. Hence, he prays to set aside the impugned order passed by the Court below.

5.The learned counsel appearing for the respondent/wife submits that the learned Magistrate, after considering the cost of living and all



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other aspects, has passed the impugned order by enhancing the maintenance amount. Therefore, he prays to dismiss the present revision.

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

7.The relationship between the parties is not disputed by the petitioner and hence, he is responsible to pay maintenance to the respondent. It is admitted that the petitioner received pension, more than Rs.15,000/-. The award amount of Rs.1,000/- granted in CrI.M.P.No.494 of 2005 dated 19.08.2005 is not affordable when comparing the present day's cost of living. The learned Magistrate, after considering all these aspects, has enhanced the award amount from Rs.1,000/- to Rs.4,000/-. Hence, this Court finds no infirmity in the order passed by the Court below.

8.However, the learned counsel appearing for the petitioner submits that so far the arrears amount comes to Rs.2 Lakhs and the petitioner is unable to pay that huge amount, but he is ready to continue



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to pay a sum of Rs.4,000/- per month and also ready to pay a sum of Rs.1,00,000/- towards arrears amount.

9.Considering the above submissions and also considering both parties' status, this Court is inclined to reduce the arrears amount from Rs.2 Lakhs to Rs.1,00,000/-. Accordingly, the petitioner is directed to pay a sum of Rs.1,00,000/- towards arrears amount from the date of petition ie., 30.11.2016 to 30.04.2024, in five equal instalments along with monthly maintenance amount of Rs.4,000/-.

10.With the above directions, this criminal revision case is disposed of. Consequently, connected miscellaneous petition is closed.

22.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To
The Judicial Magistrate, Tenkasi



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K.K.RAMAKRISHNAN,J.

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