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CrI.RC.No.1936 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.RC.No.1936 of 2024

K.Yuvarani @ A.R.Lydiya

... Petitioner

Vs.

V.N.Kumaraguru @ V.N.Jacob

... Respondent

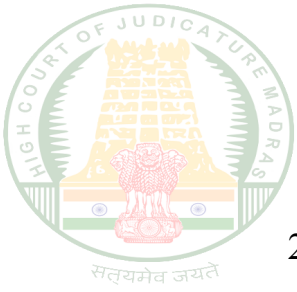
Prayer: Criminal Revision Case filed under under Section 401 of Criminal Procedure Code, to set aside the order dated 14.09.2020 in M.P.No.1055 of 2019 against M.C.No.494 of 2017, monthly maintenance of Rs.7,000/- per month, on filing before the IV Additional Family Court at Chennai.

For Petitioner : No Appearance

For Respondent : Mr.S.Saravanakumar

ORDER

This Criminal Revision Case has been filed by the petitioner challenging the order passed by the IV Additional Family Court, Chennai in M.P.No.1055 of 2019 in M.C.No.494 of 2017, dated 14.09.2020.



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2. Today, when the matter is taken up for hearing, there is no representation for the petitioner.

3. The learned counsel for the respondent submitted that the respondent/husband is working as a Mazdoor and getting salary of Rs.18,000/- only and after deduction of all statutory deductions and other payments, he is getting only Rs.6,500/- per month as his take home salary. Such being the fact, the Family Court enhanced the maintenance to Rs.7,000/- per month. However, the respondent/husband has not challenged the said order so far, whereas the petitioner/wife has filed the present revision challenging the said order for further enhancement.

4. Heard the learned counsel for the respondent and perused the materials available on record.

5. It is seen from the records that the petitioner is wife and the respondent is husband. The petitioner had originally filed a maintenance case in M.C.No.494 of 2017 before the IV Additional Family Court, Chennai



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invoking Section 125 Cr.P.C. The learned Judge, Family Court, after enquiry,

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ordered monthly maintenance of Rs.3,500/- vide order dated 02.01.2019. The respondent had not challenged the said order. However, the petitioner filed an application in M.P.No.1055 of 2019 in M.C.No.494 of 2017 seeking enhancement of maintenance from Rs.3,500 to Rs.10,000/-, invoking Section 127 Cr.P.C. and the learned Judge, Family Court, by considering all the aspects, enhanced the maintenance from Rs.3,500/- to Rs.7,000/- per month. Though the respondent/husband has not challenged the order of enhancement, the petitioner/wife has filed the present revision seeking further enhancement.

6. A perusal of the records shows that the petitioner has not produced any attestation as well as the financial capacity of the respondent. However, it is an admitted fact that the respondent is working as a Maszdoor and getting salary of Rs.18,000/-. Though the petitioner had sought enhancement of Rs.10,000/- per month, the learned Judge, Family Court, by considering the statutory deductions and other deductions and also the economic status of the



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respondent, has enhanced the maintenance to Rs.7,000/- per month from Rs.3,500/-, which is reasonable.

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7. Therefore, in the absence of any statutory materials, this Court finds that there is no merit in this revision and the same is liable to be dismissed.

8. Accordingly, this Criminal Revision Case is dismissed.

9. However, the respondent is directed to comply with the order passed by the Judge, Family Court in M.P.No.1055 of 2019 in M.C.No.494 of 2017 dated 14.09.2020.

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Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To

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The IV Additional Family Court,
Chennai.



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P.VELMURUGAN. J.

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