

CRL RC(MD)No.1086 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.1086 of 2023

Parameshwari

... Petitioner/ Petitioner / Petitioner
Vs.

A.P.Krishnan

...Respondent/Respondent/Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records pertaining to the order dated 05.07.2023 made in Crl.M.P.No.3973 of 2018 on the file of the learned Judicial Magistrate No.I, Usilampatti, and set aside the same.

For Petitioner : Mr.R.Arun Kumar,
For Mr.Mayilvahana Rajendran

For Respondent : Mr.P.Prakash,
For Mr.Senthil Kumaraiah

ORDER

Challenging the order passed by the learned Judicial Magistrate No.I, Usilampatti, in Crl.MP.No.3973 of 2018 in M.C.No.19 of 2004 dated 05.07.2023, this Criminal Revision case is filed.

2. The petitioner herein is the petitioner before the learned Trial Court. The respondent is the husband of the petitioner. The respondent was the



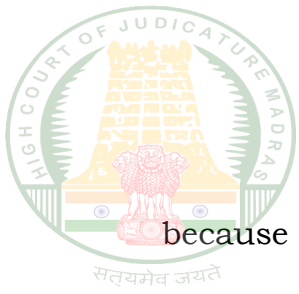
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Headmaster of a Government school then. The petitioner has challenged the order passed by the learned Judicial Magistrate seeking enhancement of the maintenance.

3. The petitioner filed an application for maintenance under Section 125 of the Code of Criminal Procedure, 1973, in MC.No.19 of 2004, in which, the learned Judicial Magistrate, Usilampatti, passed an order of Rs. 500/- as monthly maintenance to the petitioner and thereafter, the same was enhanced on the intervention of this Court from Rs.500/- to Rs.1500/-.

4. While being so, the petitioner filed Crl.MP.No.3973 of 2018 in M.C.No.19 of 2004 under Section 127 of the Code of Criminal Procedure, 1973, seeking to enhance the maintenance from Rs.1500/- to Rs.15,000/-, pointing out that the respondent has retired from service and is drawing a pension of Rs.41,617/-. However, the learned Trial Court had considered the circumstances prevailing in the lives of the petitioner as well as the respondent, had enhanced the maintenance from Rs.1500/- to Rs.7000/-. Challenging the same, this Criminal Revision case is filed seeking to enhance the said amount to Rs.15,000/-.

5. The learned counsel for the petitioner, Mr.R.Arun Kumar submitted that the maintenance of Rs.7,000/- is a paltry sum, with which the petitioner who is a senior citizen of age 69 years cannot maintain herself



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because she is suffering severe medical ailments, and she cannot even meet out her day-to-day expenditure and medical expenditure, and pointing out that the respondent husband is drawing a pension of Rs.41,617/- and he possesses various properties, required the indulgence of this Court to enhance the same to Rs.15,000/- as prayed before the learned Trial Court and pressed for allowing this Criminal Revision Case.

6. Per contra, the learned counsel for the respondent Mr.Prakash, categorically contended that the petitioner was examined as PW-1 in CrI.MP.No.3973 of 2018, in which, she has admitted in her cross examination that the respondent husband had settled a house in 1984 in favor of the petitioner and her three daughters. He also further submitted that the respondent husband is residing in a rented premises while the petitioner is residing in an own house settled by the respondent husband and hence, it is not necessary for her to expend anything towards rental expenditure.

7. Pointing out the admission made by the petitioner in her cross examination that in 1984, the respondent husband had settled a property comprising an area of 1 acre 40 cents in favor of his three daughters, mentioning the petitioner wife as a guardian, the learned counsel for the respondent submitted that ample income is being derived from the said agricultural land which is situated in Kodaikanal and hence, the petitioner's



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claim for enhancement of maintenance is not just then.

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8. He further submitted that the respondent is suffering from Asthma and old age ailments and hence, he is also suffering financial constraints to meet his medical expenditure and hence, the maintenance as granted by the learned Trial Court is a proper maintenance and the same need not be enhanced. The learned counsel for the respondent further pointed out that the petitioner is receiving a pension amount of Rs.41,617/-, of which, he has given Rs.7000/- as maintenance to the petitioner, he has to expend an amount of Rs.7000/- as the rental expenditure to the house where he is residing and he is also expending an amount of Rs.10,000/- towards his medical expenditure, and with Rs.17,000/- he is managing his livelihood and hence, he pressed for dismissal of the Criminal Revision case.

9. Heard the learned counsels on either sides and carefully perused the materials available on record.

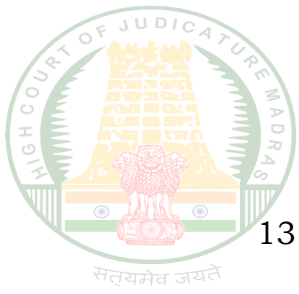
10. A careful perusal of the cross examination of the petitioner before the learned Trial Court would reveal that the entire one acre 40 cents which was settled in favour of the respondent's three daughters were already been sold off by the petitioner for the purpose of her daughters' marriage and it is the petitioner who had maintained all the three daughters from the young age with a paltry amount of Rs.500/- maintenance and thereafter Rs.1500/-



maintenance which was given by the husband and all along these years it is only the petitioner who had managed to raise her children and it is only during the year 1984, the respondent had settled the house and the said property.

11. However, I am able to observe that the petitioner is residing on the 1st floor of the house which is settled by the husband in favour of her children and it is also submitted by the learned counsel for the petitioner that the ground floor and the 2nd floor have been leased out by the daughters to third parties. However, considering the facts and circumstances of this case, this Court is concerned about the fact that both the petitioner and the respondent are senior citizens.

12. As rightly pointed out by the learned counsel for the respondent, the petitioner is living in an own house and the respondent is living in a rented premises and though the learned counsel for the petitioner submitted that the ground floor and the second floor has been leased out by the daughters, if it had been done in that way, the daughters are at responsibility to give the least amount to the petitioner for her maintenance, in terms of the the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.



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13. Accordingly, I don't find any demerits and necessity to interfere in the order passed by the learned Trial Court and hence, the Criminal Revision case fails and the same is dismissed. No costs.

06.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The Judicial Magistrate No.I,
Usilampatti.



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L.VICTORIA GOWRI, J.,

Sml

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