

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HONOURABLE MR. JUSTICE P. VELMURUGAN

Cr1.R.C. No.26 of 2021

R.Rajendiran,
S/o. Shri Ramu,
No.810/191, Vanavil 5th Street,
Vengikkal Post,
Tiruvannamalai Tk. Petitioner

Versus

A.Rajeswari,
D/o. Shri Arumugam,
466, Easwaran Nagar 5th Street,
Pammadukulam, Redhills,
Chennai-600 052. Respondent

PRAYER: Criminal Revision Petition is filed under Section 397
r/w 401 Criminal Procedure Code, praying to set aside the order
dated 31.01.2020 made in M.C.No.240 of 2013 on the file of IV
Addl. Family Court, Chennai.

For Petitioner : Mr. V.S.Mannarsamy
for Mr. B.Manoharan

For Respondent : No appearance

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O R D E R

The petitioner is the husband and the respondent is wife.
The respondent has filed a petition seeking for maintenance in
M.C. No.240 of 2013 before the learned IV Additional Family
Court, Chennai. The learned Judge, Family Court, after enquiry

ordered a sum of Rs.4500/- per month with an increase of Rs.750/- per year. Challenging the said order, the respondent has filed the present Criminal Revision Petition.

2. The learned counsel appearing for petitioner would submit that the respondent wife has left the matrimonial home without any valid reason along with grown up children. He would submit that he has arranged a educational loan for his daughter's higher study and she has completed M.B.B.S. and his son also about to complete his education. He would submit that he has spent huge money to the children and also for his parents. He would submit that he is getting a monthly income of Rs.29,917/- and apart from that, he has spent expenses for his children. He would further submit that the learned Judge, Family Court, without any jurisdiction has further directed to pay Rs.750/- increase per year, which is against the provision of Section 127 of CrI.P.C. Therefore, it is liable to be set aside or modified to that effect.

3. On a perusal of records, it is seen that the relationship of the parties are not in dispute and both are living separately as ordered by this Court. Now, the petitioner, after the reduction, he is getting the salary of not less than Rs.30,000/-, but the petitioner is not in a position to maintain himself. The materials shown that the petitioner husband is a public servant and he is getting more than Rs.30,000/- per month. It is not out of place to state that a person, who is working in the Government office, he would get increment per year, dearness allowance and he would also probably get promotion, Selection Grade and Special Grade. Under these circumstances, this Court finds nothing wrong in the order passed by the learned Judge, Family Court, Chennai directing the petitioner to pay sum of Rs.750/- as increase per year. However, the learned counsel appearing for petitioner would submit that the petitioner was going to retire, but without considering the economical status of the petitioner, the learned Judge had passed an order directing the petitioner to pay a sum of Rs.750/- increase per year. Now, taking into consideration of facts and circumstances of the case, this Court does not find any perversity and illegality in the order passed by the learned Judge, Family Court, Chennai. However, considering the fact that all the Government Servants will attain superannuation. Therefore, the order passed by the learned Judge, Family Court is modified that the petitioner shall pay the increase of Rs.750/- per year till he retires from service. It is also made it clear that the petitioner is directed to pay a sum of Rs.4500/- towards maintenance to the respondent from the date of petition and also to pay a sum of Rs.750/- increase per year

till the petitioner attains superannuation. With the above modification, this Criminal Revision Petition is closed.

Sd/-
Assistant Registrar(CS-VII)

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Sub Assistant Registrar

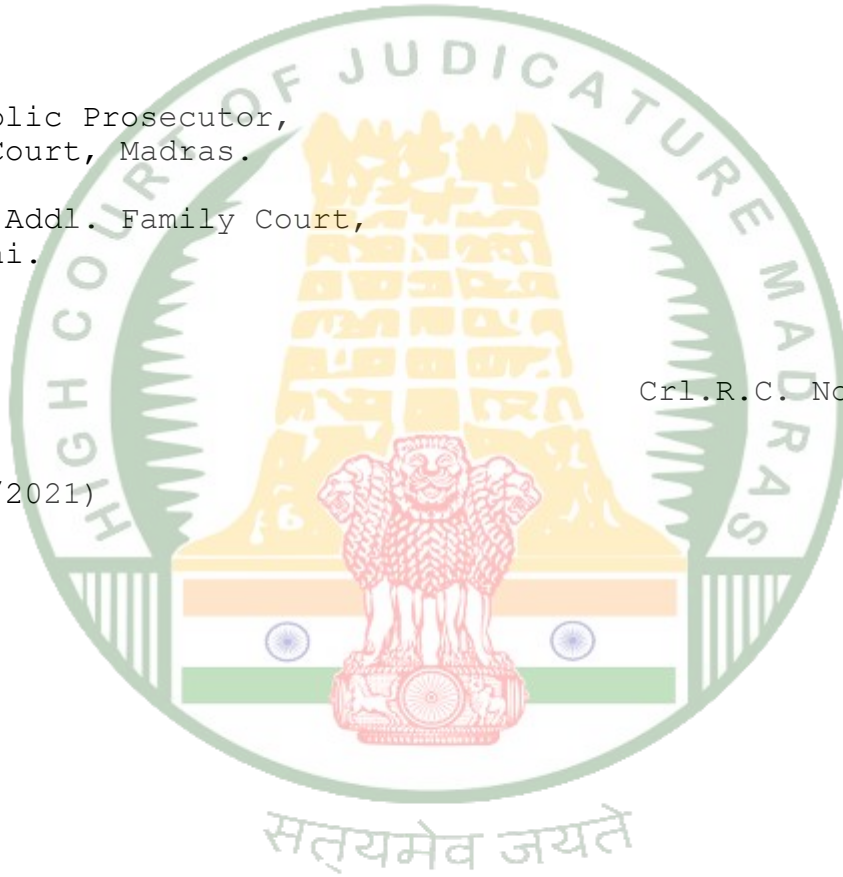
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To

1. The Public Prosecutor,
High Court, Madras.
2. The IV Addl. Family Court,
Chennai.

Cr1.R.C. No.26 of 2021

AK-II(CO)
GMY(15/04/2021)



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