



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Cr1.R.C.(MD)No.292 of 2015

1.Kaleeswari

2.Minor Prathiba

3.Minor Punitha

(Minor petitioners 2 and 3
are represented by mother,
the first petitioner as next
friend and natural guardian)

: Petitioners/Petitioners

Vs.

Dinesh Kumar

:Respondent/Respondent

PRAYER: Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure to call for the records relating to the M.C.No.12 of 2015, on the file of the Additional Chief Judicial Magistrate Court, Madurai and set aside the order dated 08.06.2015 by awarding the maintenance to the petitioners as claimed in the said maintenance case.

For Petitioner : Mr.D.Malaichamy

ORDER

The petitioners filed M.C.No.12 of 2015, before the Additional Chief Judicial Magistrate, Madurai claiming maintenance at the rate of Rs.10,000/- per head. The respondent is the husband of the first petitioner and the father of the petitioners 2 and 3. The respondent is a lorry driver. The trial Court directed the respondent to pay a sum of Rs.1,000/- to each petitioner. Not satisfied with the said quantum, the petitioners have come up with this revision.

2.Today, the Criminal Revision has come up for admission.

3.I have heard the learned Counsel for the petitioner and I have also perused the records carefully.

4.The learned Counsel for the petitioners would submit that the respondent is a lorry driver and his monthly income is Rs.10,000/-. Therefore, according to the learned Counsel for the petitioner, Rs.3,000/- ordered by the trial Court is not sufficient for the petitioners to maintain themselves.

<https://hcservices.ecourts.gov.in/hcservices/>

5.I have heard the above submissions.



6. Though it was alleged before the lower Court that the respondent is earning a sum of Rs.20,000/-p.m., as a driver of a lorry, there is no proof for the same. The trial Court has taken into account the family status, approximate income of the respondent to arrive at the quantum of maintenance. In my view also, the direction to pay Rs.3,000/- in toto to the petitioners would meet the ends of justice. The quantum of maintenance ordered by the lower Court is very reasonable, which does not require any interference at all by this Court.

7. Accordingly, the Criminal Revision Case fails and the same is dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

The Additional Chief Judicial Magistrate Court, Madurai.

Crl.R.C. (MD) No.292 of 2015
16.07.2015

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