

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2018

Coram

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

CRL.R.C.No.312 of 2011

and

MP.No.1 of 2011

V.Baskar

... Petitioner

Vs.

1.Saraswathi

2.Kirthi Kumar (Minor)

Represented by the Mother Saraswathi

... Respondents

PRAYER: The Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code to call for the records and set aside the order dated 18.11.2010 passed in M.C.No.13 of 2009 by the Learned Judicial Magistrate, Thiruvottiyur and dismiss the same.

For Petitioner : No Appearance

For Respondents : No Appearance

ORDER

The Criminal Revision has been filed as against the order passed by the learned Judicial Magistrate, Thiruvottiyur, in M.C.No.13 of 2009 directing the Revision Petitioner to pay a sum of Rs.1,500/- per month

as maintenance to the respondents.

2. When the matter is taken up for hearing today, there is no representation on either side.

3. On a perusal of the order passed by the Trial Court / Family Court would indicate that the Trial Court has taken note of the evidence and on considering the entire facts, has directed the Revision Petitioner to pay a sum of Rs.1,500/- per month to the respondents herein.

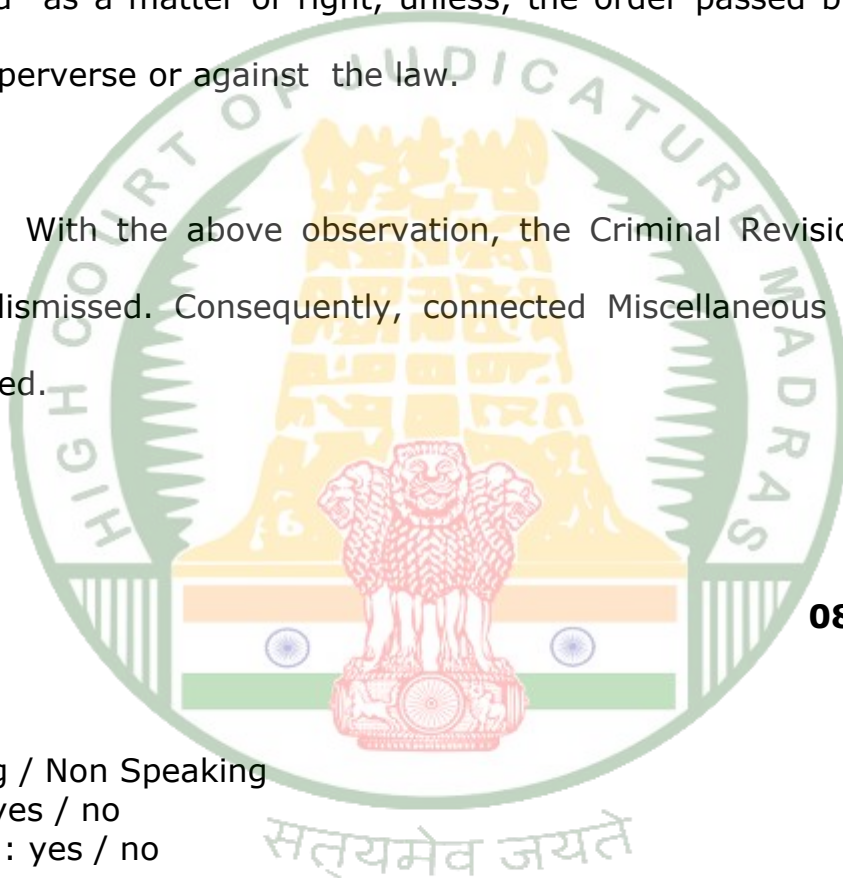
4. Though, both the learned counsel are not present, taking into consideration of the pendency of the writ petition from the year 2011, I am of the view that the revision itself can be disposed of on merit.

5. The 1st respondent/wife has filed an application claiming maintenance of Rs.5,000/- to her and Rs.2,500/- to the 2nd Respondent/son. However, taking into consideration of the entire contentions raised on both sides, coupled with the fact that there is no evidence to show that the revision petitioner is earning a sum of Rs.12,000/- per month as contended by the 1st respondent/wife, the

Trial Court has awarded Rs.1,500/- as monthly maintenance.

6. This Court does not find any infirmity or illegality in the order passed by the Trial Court. The Revisional jurisdiction cannot be exercised as a matter of right, unless, the order passed by the Trial Court is perverse or against the law.

7. With the above observation, the Criminal Revision Petition stands dismissed. Consequently, connected Miscellaneous petition is also closed.



08.03.2018

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Speaking / Non Speaking

Index : yes / no

Internet : yes / no

To

Judicial Magistrate,
Thiruvottiyur
M.C.No.13/2009

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N.SATHISH KUMAR, J.
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