

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2016

CORAM:
THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1060 of 2016
and
Crl.M.P.No.9027 of 2016

R.Velayudham
S/o.Ramasamy

.. Petitioner

vs.

1.V.Ekavalli Madeswari
W/o.R.Velayudham

2.Vinodhini

3.V.Viji

.. Respondents

Criminal Revision filed under Section 397 and 401 Cr.P.C.
against the order of learned III Additional Judge, Family Court,
Chennai, passed in M.C.No.200 of 2009 on 24.05.2016.

For Petitioner : Mr.K.P.Chandrasekaran

For Respondents : Mr.V.S.Mannarsamy

O R D E R

Petitioner challenges the order of learned III Additional
Judge, Family Court, Chennai, passed in M.C.No.200 of 2009 on
24.05.2016.

2. Petitioner and first respondent were married on
05.05.1991. Respondents 2 and 3 are daughter and son.
Respondents moved M.C.No.200 of 2009 on the file of learned III
Additional Judge, Family Court, Chennai, seeking maintenance.
Court below, under order dated 24.05.2016, while dismissing the
claim against the first respondent directed the petitioner to
effect payment in a sum of Rs.1,500/- p.m. to the respondents 2
and 3 till they attain majority. Challenging such order, the
present revision has been filed

3. Heard learned counsel for petitioner and the learned
counsel for the respondents.

4. Though the learned counsel for petitioner submits that daughter is now major and is employed, learned counsel for the respondents on the other hand submits that 2nd respondent is a post graduate student and is still in need of support from petitioner/father towards further pursuing her studies. Petitioner has not produced any proof before the Court below of the 2nd respondent being employed. Court below, has taken into consideration the salary of the petitioner viz., Rs.13,000/- per month, that he is remarried, having obtained a decree of divorce on the ground of adultery, while dismissing the petition seeking maintenance on behalf of the wife/1st respondent directed payment of maintenance in a meagre sum of Rs.1,500/- to the daughter and son.

We find no reason to interfere with the order of Court below. The Criminal Revision is dismissed. In the facts and circumstances of the case, it would be appropriate to refer to Sec. 127 Cr.P.C, whereunder petitioner may move if there be a change of circumstance.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To
The III Additional Judge,
Family Court,
Chennai.

+1 cc to M/s.V.S.Mannarsamy,advocate,sr.72918.

mv(co)
krd 6/1

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Cr1.R.C.No.1060 of 2016

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