

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.1452 of 2016

and

Crl.M.P.No.12623 of 2016

D.Babu

S/o.Dhamodharan

... Petitioner

Vs.

1.B.Nithya

W/o.Babu

2.Minor Ashwinth

S/o.Babu

... Respondents

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned Additional Judge, Family Court, Coimbatore, passed in M.C.No.151 of 2013 on 17.03.2016.

For Petitioner : Mr.B.Vijayakumar

ORDER

This revision is preferred against the order of learned Additional Judge, Family Court, Coimbatore, passed in M.C.No.151 of 2013 on 17.03.2016.

2. Petitioner and respondent are husband and wife. Petitioner/husband moved H.M.O.P.No.982 of 2010 on the file of learned Additional Judge, Family Court, Coimbatore, seeking divorce. Respondent/wife moved M.C.No.151 of 2013 seeking maintenance in a sum of Rs.12,000/- p.m. for her son and herself. Court below, under the impugned order, directed the petitioner to pay a sum of Rs.7,000/- p.m. towards maintenance. Challenging such order, the present revision has been filed.

3. Heard learned counsel for petitioner.

4. On a perusal of the order under challenge, this Court finds that Court below has observed that the petitioner has informed in the petition that the first respondent is employed at a private concern at Peelamedu and is earning a sum of Rs.5,000/- p.m. However, petitioner, while deposing as PW-1, has informed that the first respondent is working as Accountant at 'V.R.Foundries', P.K.Nagar and is earning a sum of Rs.15,000/- p.m. and she is also getting a sum of Rs.10,000/- by way of rent. Further, it was the evidence of PW-2 that the first respondent is employed at Sri Vidhya Industries, Avinashi Road and earning a sum of Rs.25,000/-. Besides the evidence were contradictory, no documents have been produced to substantiate the contention that the first respondent is employed nor any

witnesses have been examined there regards. In the circumstance, Court below, taking into consideration increase in prices, educational expenses of second respondent and the duty of petitioner to take care of respondents, has ordered maintenance in a sum of Rs.7,000/- p.m. This Court finds no reason to interfere with the order under challenge.

The Criminal Revision shall stand dismissed. Connected miscellaneous petition is closed.

29.11.2016

Index:yes/no
Internet:yes/no
gm

To

The Additional Judge,
Family Court,
Coimbatore.

C.T.SELVAM, J

gm

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