

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2016

CORAM

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Cr1.R.C.No.151 of 2016
and
Cr1.MP.No.966 of 2016

Abhayaraj

... Petitioner

Vs.

1.Vidhishitha
2.Minor Aleesha
minor rep by mother 1st respondent

... Respondents

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 25.11.2015 passed by the learned Chief Judicial Magistrate, Tirupur in CMP.No.868 of 2015 in MC.No.27 of 2015.

For Petitioner : Mr.J.Franklin

For Respondents : M/s.S.Karolin Geetha,
No appearance

ORDER

This Criminal Revision is directed against the order passed by the learned Chief Judicial Magistrate, Tirupur in CMP.No.868 of 2015 in MC.No.27 of 2015, dated 25.11.2015, directing the revision petitioner/respondent to pay maintenance of Rs.5,000/-p.m. to the first petitioner and Rs.3,000/-p.m. to the second petitioner and also directed to pay Rs.13,710/- to the first petitioner towards educational expenses of second petitioner.

2.The learned counsel for the petitioner mainly contended in his counter filed before the trial Court, that he is ready and willing to live with his wife and daughter and he is not liable to pay maintenance to the first respondent/wife as she is B.Com graduate and working nearby export company and earning huge salary, the trial Court failed to consider the earning capacity of the wife and ordered maintenance of Rs.5,000/-p.m. to the

first petitioner/wife and Rs.3,000/-p.m. to the second petitioner/daughter. Hence, the learned counsel seeks to allow the revision by setting aside the order of the trial Court.

3.Heard the learned counsel for the petitioner and perused the records. Notice was served on the respondents, there is no representation on behalf of the respondents either in person or through the learned counsel on record.

4.This Court perused the documents adduced on the side of the petitioner, there is no ample evidence adduced before the trial Court to prove that the revision petitioner is ready and willing to live with his wife and daughter and no documents was produced to show that he has taken steps to live with his wife and daughter. The revision petitioner failed to produce any documents to show that the wife is working in an export company and earning huge salary, in the absence of any such documents on the side of the petitioner, the trial Court upon perusing the documents and came to the conclusion and directed the respondent/husband to pay maintenance of Rs.5,000/-p.m. to the first petitioner and Rs.3,000/-p.m. to the second petitioner and also directed to pay Rs.13,710/- to the first petitioner towards educational expenses of second petitioner is very much reasonable one and it cannot be deemed as excessive amount during present days. This Court finds no illegality or infirmity in the order passed by the learned Chief Judicial Magistrate, Tiruppur and the same does not warrant any interference by this Court.

5.In the result, the criminal revision petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

The Chief Judicial Magistrate,
Tiruppur.

Cr1.R.C.No.151 of 2016

SVI (CO)
CA(22/09/2016)