

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

CrI.R.C.No.593 of 2016
and CrI.MP.No.4123 of 2016

Saravanan ... Petitioner/Respondent

Kala

Minor Sasi.

Vs.

... Respondents/Petitioner

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. against the order dated 05.06.2014 made in Mc.No.18 of 2013 on the file of the Judicial Magistrate-II, Attur.

For Petitioner : Mr.M.Rajendran

For Respondents : Mr.T.Murugamanickam

ORDER

The criminal revision petition is directed against the order passed by the learned Judicial Magistrate No.II, Attur in MC.No.18 of 2014 dated 05.06.2014, to pay a sum of Rs.4,000/- to the wife/first respondent and Rs.5,000/- to the daughter/second respondent all together Rs.9,000/- per month from the date of petition. Aggrieved over the said order the petitioner filed the present revision petition before this Court.

2.The petitioner herein is husband of the first respondent and the father of the second respondent.

3.The learned counsel for the petitioner submits that the petitioner is working as a teacher and now married one Muthulakshmi as second wife and got three children out of their wedlock and living along with his parents and the petitioner has to maintain his second wife, three children and his parents. It is also contended that the first respondent is having independent source of income and she is not liable to claim maintenance amount.

4.The learned counsel for the respondent contended that when the first marriage is not solemnized between the parties, the question of second marriage does not arise herein and the same

is against the principles of law. The petitioner has not produced any valid document to show that the first respondent is earning a sum of Rs.10,000/- per month.

5.Heard the rival submissions made on both sides and perused the records.

6.The fact that the petitioner is working as secondary grade teacher in Puthur Village and he has not produced his salary certificate to show his actual monthly income. The first respondent along with her daughter/second respondent is living separately in her parents house for more than 14 years.

7.In view of the above stated position and considering the employment of the petitioner as Secondary Grade Teacher, the trial Court directed the petitioner/husband to pay the maintenance of Rs.4,000/- to the first respondent/wife and Rs.5,000/- to the second respondent/daughter and allowed the petition therein filed by the respondents herein.

8.Considering the facts and circumstances, the order passed by the trial court is reasonable and not excessive one to interfere with the order of the trial Court. This court finds no illegality or infirmity in the order passed by the trial court and the same does not warrant any interference by this court.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

The Judicial Magistrate-II, Attur.

+1cc to M/s. T. Murugamanickam, Advocate, S.R.No.37114
+1cc to M/s. M. Rajendran, Advocate, S.R.No.36952

RSY(CO)
EU(18/07/2016)

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