

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

CrI.R.C.No.630 of 2016

S.Saravana Bhara

.. Petitioner/Respondent

Vs.

1. S.Revathi

2. R.Shalini (Minor)

(minor rep.by Mother
guardian S. Revathi

.. Respondents/Petitioner

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 19.08.2015 made in FCMC.No.52 of 2014 passed by the learned Family Court, Vellore.

For Petitioner : Mr.A.P.Ramesh

For Respondents : Mr.E.Kannadasan

ORDER

The Criminal revision is directed against the order passed by the learned Family Court, Vellore made in FCMC.No.52 of 2014 dated 19.08.2015, directing the respondent to pay a sum of Rs.3,500/-p.m. to the first respondent and Rs.1,500/-p.m. to the second respondent, totally Rs.5,000/-p.m. with effect from the date of application and directed to pay the monthly maintenance on or before 5th of every month.

2.It is admitted that the first respondent is the wife and second respondent is the daughter of the present revision petitioner. The respondents 1 and 2 filed application before the Family Court, Vellore claiming maintenance of Rs.5,000/-p.m. and Rs.2,500/-p.m. to the respondents 1 and 2 respectively from the revision petitioner. The trial Court after considering the evidence and arguments adduced on both sides directed the husband to pay a sum of Rs.3,500/-p.m. to the first petitioner/wife and Rs.1,500/-p.m. to the second petitioner/daughter, from the date of petition and directed to pay the monthly maintenance on or before 5th of every month. Aggrieved against the order of the Family Court, Vellore, the present revision is before this Court by the husband/revision petitioner.

3.The learned counsel for the revision petitioner would contend that the petitioner filed petition in C.Misc.No.2223/2013 on the file of Family Court, Bangalore for restitution of conjugal rights. The first respondent/wife from the date of marriage misbehaved with the revision petitioner and never treated and respected him as her husband. The revision petitioner is earning below Rs.5,000/-p.m. and the first respondent working in an real estate office and earning more than Rs.10,000/-p.m. and capable of maintaining herself and the daughter, the trial Court failed to consider the above said aspect. Hence, the learned counsel prays to set aside the order of the trial Court and to allow the criminal revision.

4.The learned counsel for the respondent submitted that the trial Court after considering the facts and circumstances of the case and after considering the arguments of both sides awarded appropriate maintenance and there is no illegality or infirmity in the order of the trial Court and prays for dismissal of the revision petition.

5.On reading of the judgment of the trial Court, it is seen that no document was produced on the side of the respondents to show that the salary or income of the revision petitioner. In the cross examination, the revision petitioner specifically stated that his income is Rs.10,000/-p.m. and he is duty bound to maintain her widowed mother, the revision petitioner has not produced any salary certificate before the trial Court to show his income. In view of the above circumstances, the trial Court awarded Rs.3,500/-p.m. to the first respondent/wife and Rs.1,500/-p.m. to the second respondent/daughter totally Rs.5,000/-p.m. Even admitting the case of the revision petitioner, he is earning a sum of Rs.10,000/-p.m. he is bounden duty to maintain his wife and children. During the prevailing cost of living, maintaining a lady and a child at Rs.5,000/-p.m. is very meager one and it cannot be deemed as excessive amount in the present days. This Court finds no illegality or infirmity in the order passed by the learned Family Court, Vellore and the same does not warrant any interference by this Court.

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

Sd/-
Assistant Registrar(J)

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Sub Assistant Registrar

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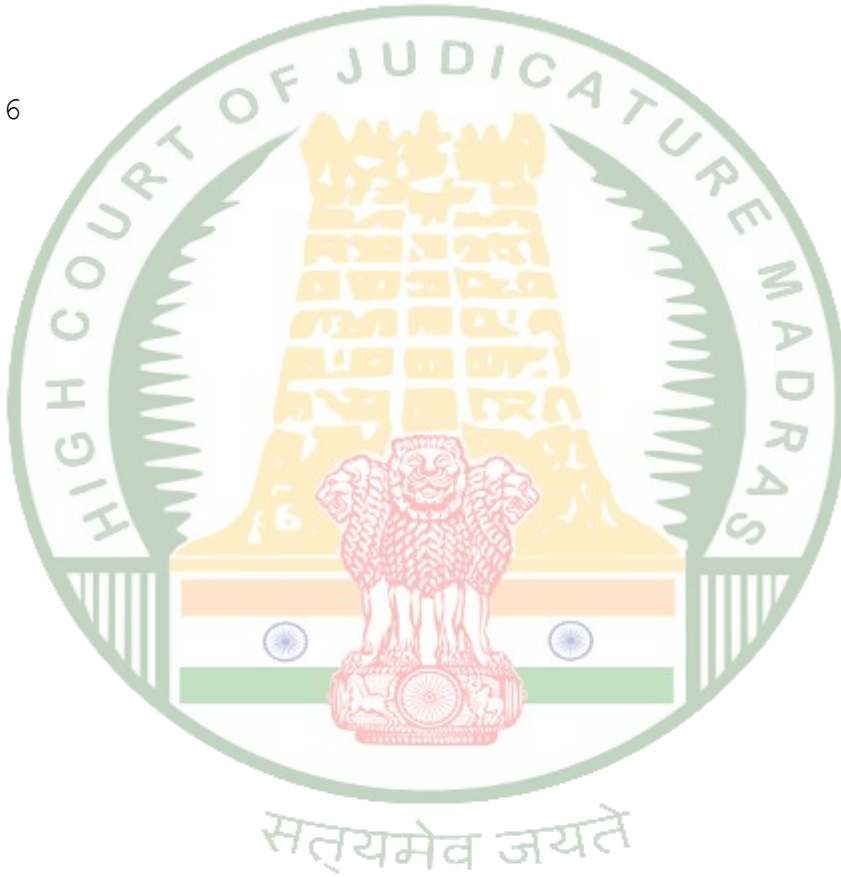
To

The Judge,
Family Court, Vellore.

+ 1 cc to Mr.E. Kannadasan, Advocate SR.51459

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NRJK (CO)
Eu 04.10.16



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