

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2016

(Orders Reserved on : 08.06.2016)

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

Crl.R.C.No.672 of 2016

and

Crl.M.P.No.4782 of 2016

Chandran

... Petitioner

Vs.

1. Nithiya

2. Minor.Renuka

3. Minor.Monisha

(2nd and 3rd respondents

Minors Rep. by their mother/1st respondent)

... Respondents

Prayer: Criminal Revision Case filed under Section 397 r/w. 401 of the Code of Criminal Procedure, praying to call for the records of the order passed by the Family Court, Vellore, Vellore District, in M.C.No.103 of 2014, dated 19.01.2016 and set aside the same.

For Petitioner : Mr.G.Vinodh Kumar

For Respondents : Mr.R.Karthikeyan

ORDER

This Criminal Revision Case is directed against the order passed by the learned Family Judge, Vellore, Vellore District, in M.C.No.103 of 2014, dated 19.01.2016, awarding maintenance of Rs.2,000/- to the first respondent, Rs.4,000/- to the second respondent and Rs.3,000/- to the third respondent.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The learned counsel appearing for the petitioner would contend that the petitioner is working as a Technician in the Government Hospital at Gudiyatham and getting only a meager salary of Rs.11,000/- per month and therefore, the maintenance amount awarded by the trial Court is highly exorbitant. The

learned counsel appearing for the petitioner would further contend that the first respondent has joined B.Ed. Course and the petitioner alone had incurred all the expenses. The learned Judge of the Family Court has failed to consider the fact that the first respondent/wife, on her own willing, till date, living in her parental home. Hence, the order passed by the learned Judge, Family Court, Vellore, may be set aside and the Criminal Revision Case may be allowed.

4. The learned counsel appearing for the respondents would contend that the learned trial Judge, after considering the entire evidence, came to a correct conclusion and awarded maintenance to the respondents and therefore, there is no infirmity or illegality in the order passed by the learned Judge, Family Court, Vellore and hence, the learned counsel prayed that the criminal revision case may be dismissed.

5. It is admitted by both sides that the first respondent is the wife of the petitioner and the respondents 2 and 3 are the daughters of the petitioner and the first respondent. It is also an admitted fact that the petitioner is working as a Technician in the Government Hospital at Gudiyatham. During the course of enquiry in the Family Court, the petitioner has not produced any records showing his gross salary or net salary and only when the course of arguments alone, the learned counsel for the petitioner has stated that the petitioner is drawing a salary of Rs.11,000/- per month. The argument of the learned counsel for the petitioner that the petitioner is working as a Technician and getting a salary of Rs.11,000/- per month is not at all acceptable, since even the last grade servant is getting a salary of Rs.24,415/- per month.

6. In the above facts and circumstances of the case, the argument of the learned counsel for the petitioner that since the petitioner is getting a salary of Rs.11,000/- per month, he is not able to pay maintenance of Rs.9,000/- to the respondents is not at all acceptable one. Further, there is no evidence to show that the first respondent/wife is earning income. In the above facts and circumstances, the amount of Rs.9,000/- awarded by the learned Judge, Family Court, Vellore, towards maintenance to the respondents is appropriate one and in any way, it cannot be claimed as excessive. There is no infirmity or illegality in the order passed by the learned Judge, Family Court, Vellore. This Court finds no reason to interfere with the order of the learned trial Judge and hence, the criminal revision case is liable to be dismissed.

7. In the result, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Jr1

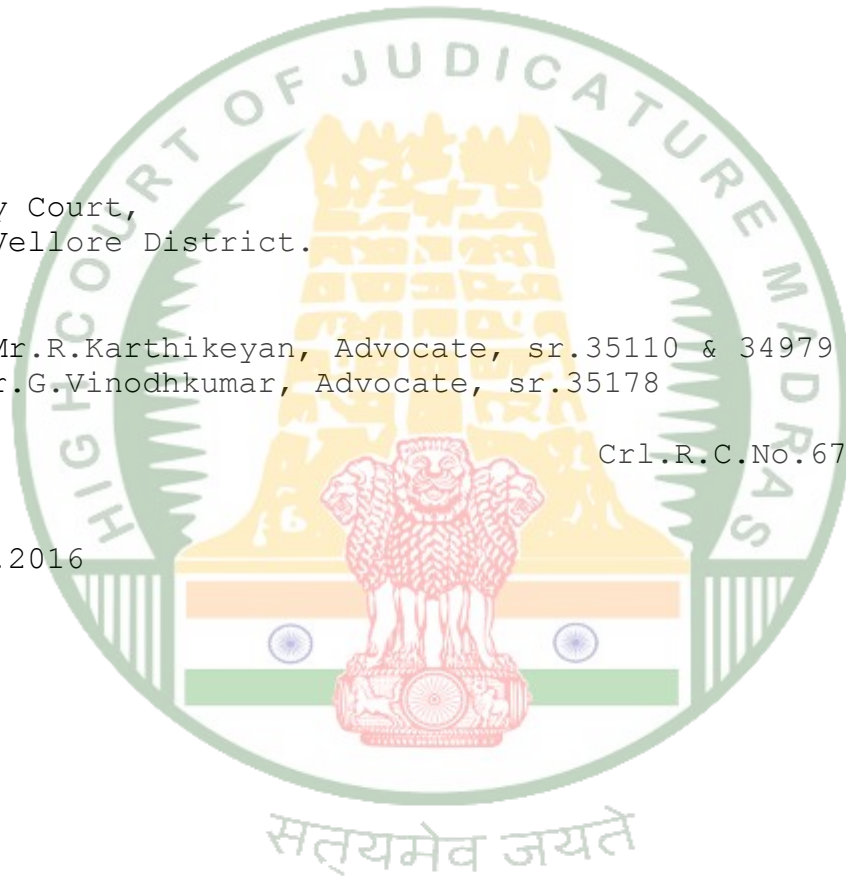
To

The Family Court,
Vellore, Vellore District.

2 ccs to Mr.R.Karthikeyan, Advocate, sr.35110 & 34979
1 cc to Mr.G.Vinodhkumar, Advocate, sr.35178

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