

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.09.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.689 of 2016
and Crl.MP.No.4907 of 2016

J.Jeyakanthan

.. Petitioner

Vs.

1. V.K.Sasipriya
2. J.Meaha (Minor)

.. Respondents

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 18.02.2016 made in MP.No.137 of 2013 in MC.No.232 of 2011 on the file of the II Additional Family Court, Chennai.

For Petitioner : M/s.A.Arulmozhi.

For Respondents : Mr.C.P.Palanisamy

ORDER

The Criminal revision is directed against the order passed by the learned II Additional Family Court, Chennai made in MP.No.137 of 2013 in MC.No.232 of 2011 dated 18.02.2016, directing the revision petitioner to pay a sum of Rs.15,000/- p.m. each (totally Rs.30,000/-p.m.) to the respondents from the date of filing i.e, 26.02.2013 towards interim maintenance.

2.It is admitted by both sides that first respondent is the wife and the second respondent is the daughter of the revision petitioner/husband.

3.The learned counsel for the petitioner admitted the marriage between the revision petitioner and the first respondent. The learned counsel mainly contended that the learned II Additional Family Court, Chennai without any basis awarded interim maintenance of Rs.15,000/-p.m. each to the wife and daughter and income of the revision petitioner has not been proved and no materials have been placed as documentary evidence to show that the revision petitioner has property. Hence, the order of the Family Court awarding Rs.30,000/-p.m. to the respondents is erroneous and the order of the trial has to be set aside and prays to allow the criminal revision.

4.The learned counsel for the respondents would mainly contended that the trial Court after considering the entire facts and circumstances of the case comes to a correct conclusion and there is no illegality or infirmity in the order of the trial Court and hence prays for dismissal of the revision petition.

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

6.Both sides has not produced any documents to show the income of the revision petitioner. The respondents herein filed interim maintenance petition seeking Rs.30,000/-p.m. to the first respondent/wife and Rs.20,000/-p.m. to the second respondent/daughter, in the said petition the revision petitioner filed counter during August 2014, wherein it is mainly contended that the first respondent/wife is M.Phil graduate and she is working in HCL Technologies, Chennai and she can easily get employment and she is capable of maintaining herself and she is deliberately letting herself to be idle with an intention to harass the revision petitioner and for getting maintenance, she resigned her job and filed this petition.

7.The revision petitioner is a Managing Partner in Jeyaramanan & Company and earning a remuneration of Rs.30,000/- as Managing Partner, Rs.60,000/- towards shares and Rs.30,000/- from the real estate and finance business and earning totally Rs.1,10,000/- p.m. But, both the parties have not produced any documents to show the income from the mill and what is the share income of the revision petitioner. The respondents have not produced any documents to show that the revision petitioner is earning huge sum of salary from the mill and shares etc. Even though, the first respondent/wife is M.Phil graduate, she is not working and getting any income is not proved on either side. In view of the above circumstances, the revision petitioner who is husband of the first respondent and father of the second respondent is liable to maintain his wife and daughter.

8.Considering the facts and circumstances, this Court is inclined to modify the interim maintenance of Rs.15,000/-p.m. each (totally Rs.30,000/- p.m.) to the respondents 1 and 2 payable by the revision petitioner to Rs.10,000/-p.m. each (totally Rs.20,000/-p.m.) to the respondents 1 and 2 from the date of petition i.e. 26.02.2013.

9.In the result, the criminal revision is partly allowed and the order of the trial Court is modified by directing the revision petitioner to pay a sum of Rs.10,000/-p.m. each to the respondents 1 & 2/wife and daughter. The order of the trial

Court is unaltered in all other respects. The trial Court is further directed to dispose of the main case within a period of two months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(V)

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Sub Assistant Registrar

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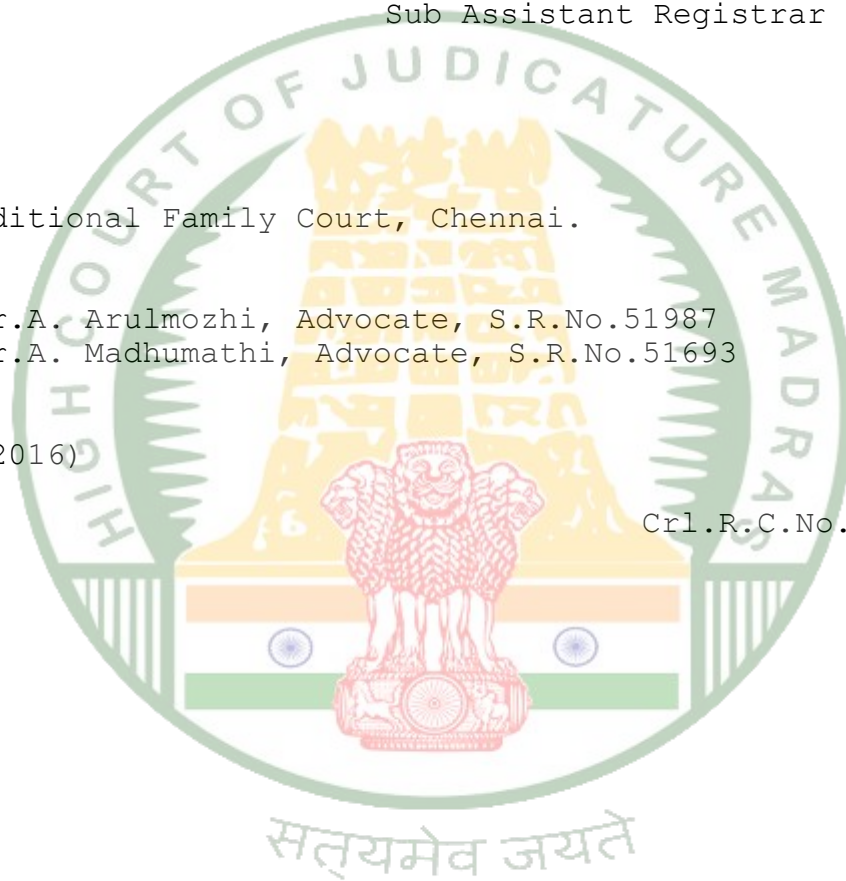
To

The II Additional Family Court, Chennai.

+1cc to Mr.A. Arulmozhi, Advocate, S.R.No.51987
+1cc to Mr.A. Madhumathi, Advocate, S.R.No.51693

CA(CO)
EU(22/06/2016)

Cr1.R.C.No.689 of 2016



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