

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.708 of 2016

and

Crl.M.P.No.5202 of 2016

N.Santhosh

.. Petitioner

vs.

1.V.Valsala

2.S.Dhanush Manikandan

3.Minor S.Sreenidhi

(Minor Rep. by her guardian mother V.Valsala
Petitioners 1 and 3 are residing at
No.25, Balaji Colony,
Ramanathapuram,
Coimbatore - 641 045.

.. Respondents

Criminal Revision filed under Section 397 and 401 Cr.P.C.
against the order of learned Principal Family Judge, Coimbatore,
passed in M.C.No.143 of 2008 on 23.02.2016.

For Petitioner : Mr.A.E.Lakshmi Narayanan
For Respondent : Mr.K.S.Karthik Raja

O R D E R

Petitioner challenges the order of learned Principal Family Judge, Coimbatore, passed in M.C.No.143 of 2008 on 23.02.2016..

2. Petitioner and first respondent are husband and wife. Respondents 2 and 3 are their children. Respondents filed M.C.No.143 of 2008 on the file of learned Principal Judge, Family Court, Coimbatore, seeking maintenance in sums of Rs.10,000/- p.m. each to respondents 2 and 3. Court below, under the impugned order, directed the petitioner to pay a sum of Rs.7,000/- p.m. each to respondents 2 and 3 towards maintenance till 2011 and thereafter, the third petitioner alone was awarded Rs.7,000/- p.m. since the second petitioner was with the petitioner from 2011. Against such order, the present revision has been filed.

3. Heard learned counsel for petitioner and learned counsel for respondents.

4. Learned counsel for petitioner submits that petitioner's income is very meagre and the Court below wrongly has found that the petitioner's income was Rs.7,60,000/- during 2013-2014. Learned counsel submits that the maintenance amount fixed by the Court below is on the higher side.

5. This Court is unable to accept the submission of learned counsel for petitioner regards determination of his income by Court below. Petitioner has produced income tax returns, before Court below, which was marked as Ex.P5 and on the basis of such returns, the Court below rightly has determined the income of the petitioner. Further, in a most reasoned approach, the Court below has required the petitioner to effect payment of maintenance to the second respondent/son only upto 2011, since thereafter the second respondent has been in the custody of petitioner. It is seen that the third respondent/daughter is still a minor and it is the duty of the petitioner to take care of her till her marriage. In the circumstances, the amount awarded by Court below cannot said to be unjust or unreasonable.

6. This Criminal Revision is dismissed. Consequently, connected miscellaneous petition is closed.

sd/
Assistant Registrar(C

//True Copy//

Sub Assistant Registrar

gm/ub

To

1.The learned Principal Family Court Judge,
Coimbatore.

2.The section Officer,
Criminal Section, High Court,
Madras.104

+lcc to Mr.A.E.Lakshmi Narayanan, Advocate SR.No.64291

Cr1.R.C.No.708 of 2016

MSM(CO)
GN(31/01/2017)