

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2017

CORAM

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

CrI.R.C.No.1216 of 2017

G.Manikandan

... Petitioner

Vs.

1. Kalaivani
2. Minor M.Poojashree
Minor rep. By Natural
guardian mother
K.Kalaivani

... Respondents

Criminal Revision filed under Section 397 r/w 401 Cr.P.C. to set aside the order dated 21.12.2016 made in C.M.P.No.1900 of 2016 in D.V.O.P.No.19 of 2016 on the file of the learned Judicial Magistrate Additional Mahila Court, Salem by allowing this Criminal Revision Petition before this Court.

For Petitioner : Mr.T.Balaji

ORDER

This revision has been filed against the order dated 21.12.2016 passed by the learned Judicial Magistrate Additional Mahila Court, Salem in C.M.P.No.1900 of 2016 in D.V.O.P.No.19 of 2016.

2. By the said order which is impugned herein, the trial Court has directed the first respondent therein, who is the petitioner herein, to pay a sum of Rs.3,000/- to the wife and child as interim maintenance.

3. The learned counsel appearing for the petitioner has stated that since the petitioner herein is an Auto Driver as he is a daily wage employee and out of his job he is getting very meager amount and out of which, it is very difficult for him to part away a sum of Rs.3,000/- per month for the respondents.

4. I have considered the said submission made by the learned counsel appearing for the petitioner. Since the first respondent is a legally wedded wife of the petitioner and out of the wedlock, the second respondent-child was born, *prima-facie*, this Court feels that it is the duty of the petitioner to maintain both the respondents/wife and child.

5. Considering this *prima-facie* aspects only, the learned judge has ordered an interim maintenance for a very reasonable sum of Rs.3,000/- per month. In the present day society, even with this amount of Rs.3,000/- per month, it is very difficult for two

persons to lead a life. Even the very reasonable amount of Rs.3,000/- now having been questioned by the petitioner in this revision case, this Court feels that absolutely there is no justification on the part of the petitioner on questioning the order of the interim maintenance which is impugned herein. If at all, the petitioner has got any other grievances, the same can be raised before the trial Court and all those issues can be decided and ultimately appropriate order would be given by the trial Court in the main case.

6. In view of the aforesaid, this Court is not inclined to entertain this revision case and accordingly the criminal revision case is dismissed.

14.09.2017

Speaking/Non speaking order
Index:yes/no
AT

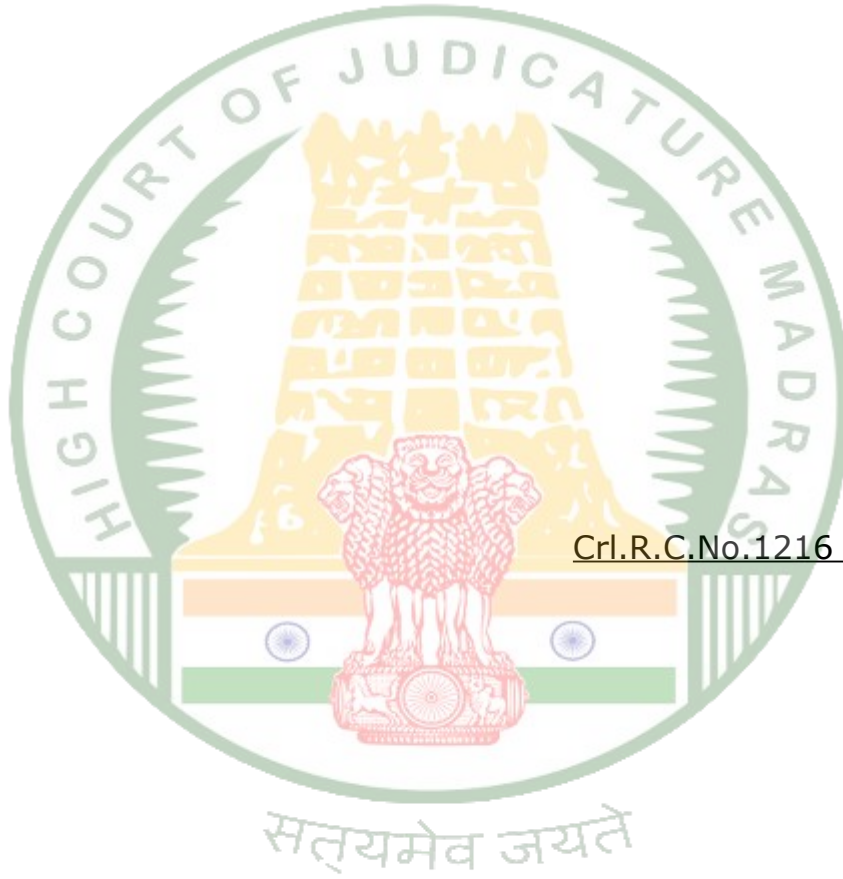
To

The Presiding Officer,
The Judicial Magistrate,
Additional Mahila Court,
Salem.

WEB COPY

R. SURESH KUMAR, J

AT



Crl.R.C.No.1216 of 2017

WEB COPY

14.09.2017