

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2017

CORAM:

THE HONOURABLE Mr.JUSTICE V. BHARATHIDASAN

Crl. R.C.No.378 of 2014

A. Sivakumar

... Petitioner

Vs.

1. S. Ranjana Devi

2. S. Ashwanth (Minor)

3. S. Rishwanth (Minor)

(Respondents 2 & 3 rep.by
his mother & natural guardian

1st respondent Ranjana Devi)

... Respondents

Prayer: This Criminal Revision Petition is filed under Section 397 r/w. 401 Cr.P.C. praying to set aside the order of the learned Third Additional Judge, Family Court, Chennai in M.C.No.218 of 2009 dated 08.06.2013.

For Petitioner : Mr.R.Vijayaraghaven

For Respondent : Mr.S.Dhanaraj

O R D E R

The revision has been filed against the order passed by the III Additional Principal Judge, Family Court, Chennai by awarding maintenance of a sum of Rs.4500/- to the respondents. The petitioner is the husband and first respondent is his wife. Respondents 2 and 3 are their minor sons. Earlier the respondent filed an application under Section 125 Cr.P.C. seeking a sum of Rs.4,500/- per month towards maintenance to them. The Trial Court allowed the application and directed the petitioner herein to pay a sum of Rs.4,500/- per month to all the three respondents. Challenging the order, the present revision has been filed.

2. I heard the learned counsel for the petitioner as also the learned counsel for the respondents.

3. The marriage between the petitioner and the first respondent took place in the year 2002. Out of their wedlock two male children were born, who are the respondents 2 and 3 herein.

After the marriage, the first respondent was ill-treated by the petitioner, and also demanded dowry. Hence, the first respondent has left the matrimonial home along with the minor children and they are living separately. The petitioner was working as a Car Driver in a private company and drawing a monthly salary not less than a sum of Rs.8,000/- . The first respondent being a lady with two school going children is not able to maintain herself and the children, and hence has sought for maintenance of Rs.4,500/- per month by filing M.C.No.218/2009 before the III Additional Family Court, Chennai.

4. The petitioner herein disputed the above said fact stating that he was working as an acting driver on daily wages basis and he is not drawing a monthly salary of Rs.8,000/-.

5. The Family Court, after considering all the material evidence on record, considering the fact that the respondents 2 and 3 are minor children studying in the school and also other expenses of the respondents, passed an order fixing a sum of Rs.4500/- per month as maintenance to all the three respondents.

6. I have considered the entire materials on record and found that there is no illegality or error in the order passed by the III Additional Family Court, Chennai. Hence, there is no necessity to interfere with the order passed by the Court below.

7. In the above circumstances, this Civil Revision Petition fails and accordingly, dismissed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

rsi/stm

To
The III Additional Principal Judge,
Family Court,
Chennai.

Cr1. R.C.No.378 of 2014

rsk(co)
ss(13/4/2017)