

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CRL.RC.No.578 of 2011

and

M.P.No.1 of 2011

K.Ravi .. Petitioner/Respondent
- vs -

1. R.Jayalakshmi
2. R.Santhosh (Minor)
3. R.Yogalakshmi (Minor)
(2 and 3rd respondent
rep. by their mother
and natural guardian
1st respondent)

.. Respondents

Criminal Revision filed under Sections 397 r/w 401 of Cr.P.C., to set aside the order dated 18.10.2010 passed by the 1st Additional Family Court, Chennai under Section 125 of Cr.P.C. 1973 in M.C.No.377 of 2007.

For Petitioner : Mr.S.Srinivasan
For Respondents : Mr.K.Govi Ganesan

O R D E R

Petitioner has come up with the present petition against the order made in M.C.No.377 of 2007 on the file of the 1st Additional Family Court, Chennai.

2. The brief facts of the case are as follows:

The marriage between the petitioner/husband and the first respondent/wife took place on 03.03.1995. First respondent is none other than the elder sister's daughter of the petitioner herein, out of their wedlock, they were blessed with two children, the second and third respondent herein. Earlier the petitioner was working as a lorry driver, then he secured a job in Tamil Nadu Electricity Board and earning a sum of Rs.15,000/- per month. Though their initial marriage life was well, later petitioner developed illegal intimacy with another lady and started ill treating the first respondent and had driven her from the matrimonial house. Since she had no means

for her livelihood and for the betterment of the two children, she filed the petition seeking maintenance. The Court below after considering the materials placed before it, had awarded a sum of Rs.2,000/- as maintenance for the first respondent and Rs.1,000/-each for the two children. Challenging the said order, the respondent/husband filed the present revision.

3. When this matter came up before this Court on earlier occasion, i.e., on 03.01.2017, at the instance of the learned counsel for the petitioner, the case was referred to Mediation and Conciliation Centre, High Court, Madras. Since no settlement had been arrived at between the parties, the same was referred to this Court.

4. Learned counsel for the petitioner would submit that now the respondents are residing in his own house and he is only maintaining them and hence, they are not entitled for any maintenance as ordered by the court below and moreover the maintenance ordered by the court below is also on the higher side and hence, seeks to set aside the same.

5. Learned counsel for the respondents would submit that though the petitioner had sufficient means, he is refusing to maintain his own wife and two children and maintenance granted is also reasonable and seeks to dismiss this revision.

6. I have heard the learned counsel for the petitioner and the learned counsel for the respondents.

7. Admittedly, the petitioner is working in Tamil Nadu Electricity Board and his monthly income is more than Rs.20,000/-. The first respondent is maintaining the two school going children, second and third respondents and she had no other means. In the above circumstances, this Court is of the view that the amount awarded towards maintenance for the respondents is just and reasonable and there is no infirmity or illegality in the order passed by the court below.

8. Hence, this Criminal Revision Petition is dismissed as devoid of merits. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

The Ist Additional Family Court,
Chennai.

+lcc to Mr.S. Srinivasan, Advocate, S.R.No.1844
+lcc to Mr.Govi Ganesan, Advocate, S.R.No.

VSN(CO)
EU 24.02.17

Crl.R.C. No.578 of 2011



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