

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

CRL.R.C.No.727 of 2018 &
Crl.M.P.No.8380 of 2018

Jayaprakash @ Narayanan

.. Petitioner

Vs

Esthar Rani

.. Respondent

Criminal Original Petition filed under Sections 397 and 401 Cr.P.C., praying to set aside the order dated 15.03.2018 passed in F.C.M.C.No.148 of 2014 on the file of the Family Court, Vellore, Vellore District.

For Petitioner : Mr.Durai Gunasekaran
For Respondent : Mr.K.Jenitha

O R D E R

This Criminal Original Petition has been filed to set aside the order dated 15.03.2018 passed in F.C.M.C.No.148 of 2014 on the file of the Family Court, Vellore, Vellore District.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

3. This revision has been filed by the petitioner/husband against the order passed by the Family Court, Vellore, Vellore District passed in F.C.M.C.No.148 of 2014 dated 15.03.2018.

4.The petitioner got married to the respondent on 02.02.2014 as per Christian rites and customs and the same was registered before the Sub Registrar Office, Vellore on 26.03.2014. After the marriage, the petitioner and the respondent were living happily in the matrimonial home. Thereafter, the difference of opinion arose between them. Accordingly, the petitioner suspected the character of the respondent/wife and assaulted her and that the perents of the petitioner ill-treated her by way of demanding additional dowry. In view of the above, the respondent living separately in her parental home. Thereafter, she filed a petition before the lower Court under Section 125(1) (a) (b) of Cr.P.C., in M.C.No.148 of 2018, for claiming maintenance of Rs.5,000/- p.m. As monthly maintenance with

effect from the date of filing of the petition.

5.The learned counsel for the petitioner would submit that the petitioner is working as Church Priest and he is earning only Rs.2,800/- p.m. However, the lower Court fixed a sum of Rs.3,000/- p.m. as maintenance and he is not in a position to pay such a huge amount awarded by the lower Court. On a perusal of the entire records, it is seen that though the claim made by the respondent is Rs.5,000/- as maintenance, the lower Court considered the fact that the petitioner is working as a Church Priest and he is earning Rs.25,000/- p.m. and he owns 5 acres of land through which, he is earning Rs.50,000/- p.m., considering all those aspects, the lower Court has fixed a meagre amount at Rs.3,000/- p.m. as maintenance.

6. Hence, this Court does not find any infirmity in the order passed by the lower Court and the revision fails as devoid of merits. Accordingly, the revision is dismissed. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

1.The Family Court, Vellore,
Vellore District.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. Durai Gunasekaran, Advocate sr 60299.

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SP(19/09/2018)

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