

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

CRL.RC.No.923 of 2018

Sridhar

... Petitioner

Versus

1.Jaya Porselvi
2.Anitha Preethi

.. Respondents

Criminal Revision Petition is filed under Section 397 read with Section 401 of the Criminal Procedure Code, to set aside the order dated 14.06.2017 made in M.C.No.177 of 2012, on the file of the Principal Family Judge, Coimbatore.

For Petitioner : Mr. A.E. Ravi Chandran

ORDER

This Criminal Revision case is filed seeking to set aside the order dated 14.06.2017 made in M.C.No.177 of 2012, on the file of the Principal Family Judge, Coimbatore, by which the Court below directed the petitioner herein to pay a sum of Rs.12,500/- per month as maintenance to the respondents herein.

2. The learned counsel appearing for the petitioner would submit that the court below, without any basis, has awarded a sum of Rs.6,000/- as maintenance to the first respondent/wife and another Rs.6,500/- to the second respondent, daughter. According to the learned counsel for the petitioner, the marriage between the petitioner and the first respondent was solemnised in the year 1985 and the second respondent was born in the year 1988. The second respondent is now aged 30 years. Further, the marriage solemnised between the petitioner and the first respondent was dissolved in the year 2004 itself in IDOP No. 484 of 2002. After dissolution of the marriage between the petitioner and the first respondent, the petitioner had contracted a second marriage. While so, the present petition has been filed only to harass the petitioner. It is further contended by the counsel for the petitioner that the Court below also did not consider the fact that the first respondent has filed a suit in O.S. No. 1 of 2002 on the file of Family Court, Coimbatore in which she was awarded maintenance. Suppressing the same, the present petition has been filed by the respondents herein under Section 125 of the Code of Criminal Procedure. In

any event, the second respondent/daughter is aged 30 years and she has attained an employable age. Further, the second respondent has completed her Master Degree in Fashion Technology, working in NIFT and substantially earning. Above all, the second respondent was given in marriage therefore, the petitioner cannot be expected to pay maintenance to her. Further, the first respondent is receiving a sum of Rs.20,000/- per month as rent from the property owned by her and therefore also, she is not entitled for payment of any maintenance by the petitioner herein.

3. Heard the counsel for the petitioner and perused the order passed by the Court below. Before the Court below, the respondents categorically stated that the second respondent is yet to get married. However, it is contended by the petitioner that the marriage of the second respondent is over and she is living with her husband. If it is so, it is open to the petitioner to produce documentary evidence and he is at liberty to file appropriate petition before the competent Court and prove that the second respondent was married and she is not entitled for any maintenance payable by the petitioner. Therefore, the correctness or otherwise of the said contention cannot be gone into by this Court. Further, even though the marriage solemnised between the petitioner and the first respondent was dissolved in the year 2004, the obligation of the petitioner to pay her maintenance is not only legal but also moral. The petitioner has an obligation to pay maintenance to the first respondent wife till her life time, as contemplated under The Guardian and Maintenance Act. The Court below, taking note of the above, has rightly directed the petitioner to pay maintenance to the respondents.

4. Accordingly, the order dated 14.06.2017 made in M.C.No.177 of 2012, on the file of the Principal Family Judge, Coimbatore is confirmed. The Criminal Revision Case is dismissed. Liberty is given to the petitioner to produce documentary evidence to show that the second respondent is married and to prove that he is not required to pay maintenance to her, in a manner known to law.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

klt/dss

To

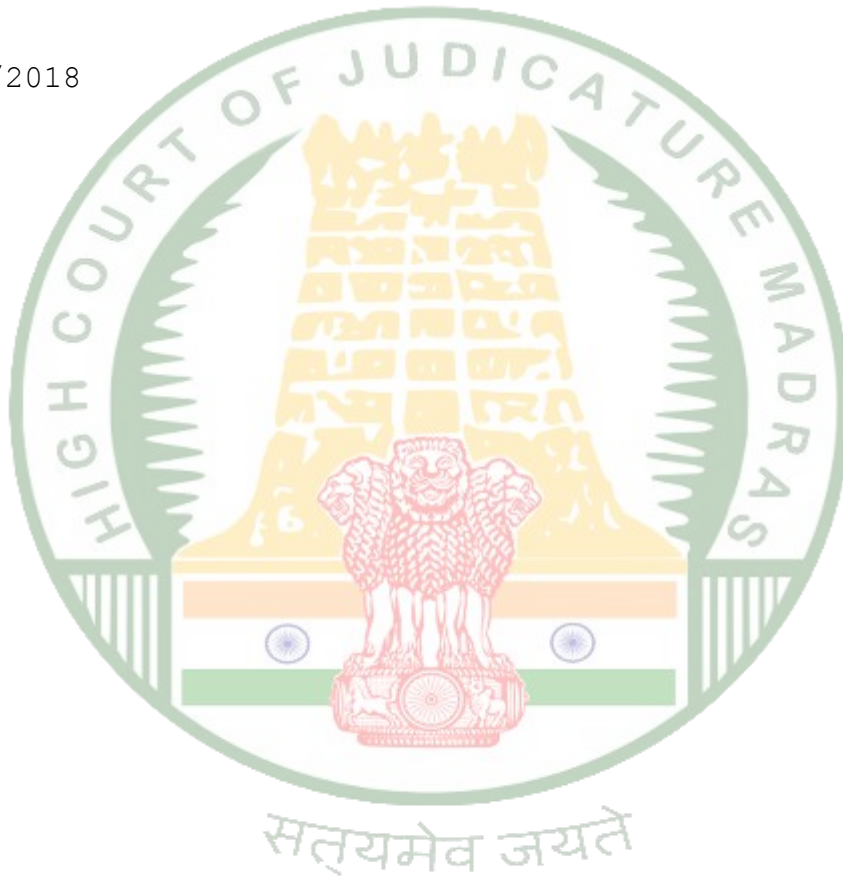
The Principal Family Judge
Coimbatore.

+1cc to Mr.A.E.Ravichandran, Advocate, S.R.No.58337.

CRL.RC.No.923 of 2018

VD(CO)

rrs 19/09/2018



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