

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

CrI.R.C.No.948 of 2018 and
CrI.M.P.No.10965 of 2018

P.Udhayakumar

... Petitioner

Vs

1. G.Amsaveni

2. P.U.Thanushree
Rep. by her Mother
and Natural Guardian G.Amsaveni

... Respondents

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C. to set aside the order dated 17.07.2018 in M.C.No.103 of 2016 on the file of the VI Additional Family Court, Chennai and remand back the same for a fresh trial.

For Petitioner : Mr.A.Suresh Sakthi Murugan

O R D E R

This Criminal Revision Case has been filed to set aside the order dated 17.07.2018 in M.C.No.103 of 2016 on the file of the VI Additional Family Court, Chennai and remand back the same for a fresh trial.

2. It is the case of the petitioner that he got married to G.Amsaveni, on 11.09.2006; out of the wedlock, a female child P.U.Thanushree was born to them; however, their marriage ran into rough weather resulting in the spouses getting estranged. Thereafter, G.Amsaveni had initiated proceedings in M.C.No.103 of 2016, before the VI Additional Family Court, Chennai, under Section 125 Cr.P.C. claiming Rs.15,000/- per month payable to her and Rs.10,000/- per month payable to her daughter P.U.Thanushree, by the petitioner, towards maintenance, and a sum of Rs.60,000/- payable to her daughter towards educational expenses for every academic year.

3. In the course of the trial, in the said Maintenance case, G.Amsaveni had examined herself as P.W.1 and had marked five documents as Exhibits on her side, before the lower Court,

however, no witnesses or exhibits had been examined or marked respectively on the side of P.Udhayakumar and further he was set ex parte.

4. After elaborate trial, the lower Court passed an order on 17.07.2018, awarding a sum of Rs.10,000/- per month to G.Amsaveni and a sum of Rs.5,000/- per month to P.U.Thanushree, totally Rs.15,000/- as maintenance and a sum of Rs.30,000/- per year towards the educational expenses of P.U.Thanushree, to be paid by P.Udhayakumar, from the year 2016.

5. Aggrieved by the said order, P.Udhayakumar, the petitioner herein, has filed this Criminal Revision Case.

6. Heard Mr.A.Suresh Sakthi Murugan, learned counsel for the petitioner. I have perused the entire materials on record, before me.

7. In the light of the present cost of living and the right of the respondents to sustain the claim for monthly maintenance, I am of the considered view that the award passed by the lower Court is just and reasonable and it is just and necessary to direct the petitioner to pay the amount as ordered by the lower Court vide order dated 17.07.2018, and therefore, I am not inclined to interfere with the said order.

8. Hence, the Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The VI Additional Principal Judge,
VI Additional Family Court, Chennai.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Suresh Sakthi Murukan, Advocate, S.R.No.58489

Cr1.R.C.No.948 of 2018

GSP(18/09/2018)