

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1477 of 2013

and

M.P.No.1 of 2013

S.Velusamy

...Petitioner

Vs.

1. Shanthi

2. Minor Nataraja

... Respondents

Prayer: The Criminal Revision filed under Section 397 and 401 of Code of Criminal Procedure to set aside the order dated 14.08.2003 in M.C.No.32 of 2000 passed by the learned Judge, Family Court, Coimbatore.

For Petitioner : Mr.S.Saravanan

For Respondent : Notice not served

O R D E R

This Criminal Revision has been filed to set aside the order dated 14.08.2003, passed by the learned Family Court Judge, Coimbatore in M.C.No.32 of 2000.

2 The first respondent is wife of the petitioner and the second respondent is son of the petitioner. The first respondent married the petitioner on 30.08.1993. Subsequently, the petitioner/husband deserted the 1st respondent/wife and she is living separately. The 1st respondent/wife along with her minor son filed a petition in M.C.No.32 of 2000, under Section 125 of Cr.P.C seeking maintenance before the learned Family Court, Coimbatore. The Family Court Judge, after considering the entire facts and circumstances of the case, passed an order dated 14.08.2003, directing the petitioner/husband to pay a sum of Rs.500/- each, per month, to the respondents from the date of petition.

3 As against the order dated 14.08.2003, the petitioner/husband has preferred this criminal revision before this Court.

4 The learned counsel for the petitioner/husband would submit that the respondents herein had failed to prove that they were ill treated by the petitioner and the learned Family Court Judge has failed to consider the above aspects, which warrants interference.

5 When the matter is called, there is no representation for the respondents and notice has not been served on the respondents.

6 Heard the learned counsel for the petitioner and perused the materials available on record.

7 Learned Counsel for the petitioner would submit that the respondents have not proved that the petitioner ill treated them. The petitioner has not demonstrated that he has no means to pay the amount or that the respondents are financially sound. Therefore, in the absence of dispute regarding to the means of the petitioner and also the respondents, there is no perversity in the order passed by the learned Family Court Judge and there is no merit in the revision petition. Under these circumstances, the revision is liable to be dismissed.

8 In the result, the revision petition is dismissed. The revision petitioner is directed to pay the entire arrears of amount to the respondents till today within a period of three months from the date of receipt of a copy of this order before the learned Family Court Judge, failing which, the Family Court Judge is directed to take action in accordance with law. Consequently, connected miscellaneous petition is closed.

ksa-2/rli

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
1.The Judge,
Family Court,
Coimbatore .

+lcc to Mr.S.Saravanan, Advocate, SR.No.74011

Cr1.R.C.No.1477 of 2013
and
M.P.No.1 of 2013

Kak(12/07/2019)