

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2018

Coram

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.R.C.No.754 of 2011
and
M.P.No.1 of 2011

Arthanari ... Petitioner /Respondent

Vs.

1. Rajammal
W/o.Kandan

2. Minor Arivanth Veeradevan
S/o.Arthanari

3. Minor Malarvizhui
D/o.Arthanari

... Respondents/petitioners

PRAYER: The Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code to call for the entire records of the order passed by the learned Judicial Magistrate No.II, Athur in Crl.M.P.No.784 of 2009 dated 06.11.2009 and set aside the same.

For Petitioner : No Appearance

For Respondents : No Appearance

ORDER

There is no representation for the revision petitioner. The revision petition has been filed as against the order of the learned Judicial Magistrate to enhance the maintenance amount payable to the minor Children of the Revision Petitioner.

2. Originally, each of the minors were ordered to be paid a sum of Rs.750/- per month by the Trial Court in M.C.No.2 of 2004.

2. Subsequently, an application has been filed for enhancement by the wife/respondent. The learned Trial Court taking into consideration of the fact that the revision

petitioner is working in Tamilnadu Electricity Board and taking note on his official position, enhanced the maintenance amount to the minor children for a sum of Rs.2,000/- each (Rupees Two thousand only), as against, which the present revision is filed.

3. Despite opportunity being granted before the Trial Court, the revision petitioner did not appear before the Trial Court and hence, the Trial Court proceeded to pass an exparte order. The Trial Court considered the materials and taken note of the status of the respondent who is a Government Servant working in Tamilnadu Electricity Board, passed an order.

4. When the order of the Trial Court is based on probabilities and as per law, I am of the view that every such order cannot be interfered mechanically in the name of Revisional jurisdiction. Unless the order passed by the Trial Court suffer from illegality or irregularity or its correctness is questionable, revisional Jurisdiction cannot be invoked and such orders cannot be interfered mechanically. On a perusal of the above order, this Court is of the view that the revision lacks merit and bonafide.

5. Accordingly, the criminal revision is dismissed. Consequently, connected miscellaneous petition is also dismissed.
rka

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate II, Athur.

2.Thro The Chief Judicial Magistrate, Salem

3.The Section Officer
Criminal Section,
High Court, Madras

KJI (CO)
sm:27.3.2018

CRL.R.C.No.754 of 2011