



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.R.C.(MD)No.102 of 2018
and
CrI.M.P.(MD)No.1357 of 2018

Veluchamy : Petitioner
Vs.
1.Chandramala
2.Sangamithra
3.Minor.Balamithra
[Minor respondent represented by
her mother and natural guardian,
Chandramala-the first respondent] : Respondents

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for the records relating to the order passed in M.C.No.30 of 2015 on the file of the Family Court, Srivilliputhur, Virudhunagar District, dated 07.03.2017 and set aside the same.

For Petitioner : Mr.S.Ramasamy
For Respondents : Mr.M.Sankar

ORDER*****

For the sake of convenience, the parties will be referred to by their name.

2.Chandramala got married to Veluchamy on 19.02.1997 and they have two children Sangamithra and Balamithra. On account of matrimonial discord, the spouses got estranged resulting in Chandramala filing M.C.No.30 of 2015 before the Family Court, Srivilliputtur, Virudhunagar District, under Section 125 of the Code of Criminal Procedure against Veluchamy claiming maintenance for herself and her two children. Chandramala examined herself as P.W.1 and marked seven Exhibits. Veluchamy examined himself as R.W.1 and marked three Exhibits. After considering the evidence adduced by both sides, the Family Court, by the impugned order dated 07.03.2017, has directed Veluchamy to pay Rs.5,000/- each per month as maintenance to the two children and Rs.10,000/- per month as maintenance to Chandramala (totally Rs.20,000/-), challenging which, Veluchamy has filed the present revision with a delay of 162 days. This Court has condoned the delay of 162 days in CrI.M.P.(MD)

No.11739 of 2017 and the main revision is taken up for hearing.

3. Heard Mr.S.Ramasamy, learned counsel for the petitioner and Mr.M.Sankar, learned counsel appearing for the respondents.

4. Mr.S.Ramasamy, learned counsel appearing for Veluchamy submitted that Veluchamy is a Tailor by profession and he does not have much means to maintain himself inasmuch as people seldom go to Tailor Shops for stitching these days, since there is a great demand for ready-made garments. He also submitted that Veluchamy met with two accidents, on account of which, his health is impaired.

5. Per contra, Mr.M.Sankar, learned counsel appearing for Chandramala submitted that Veluchamy has not been taking care of the family and that Chandramala is in penury and struggling to make both ends met.

6. It is true that Veluchamy has got legal and moral obligation to take care of his wife and two children and he cannot completely abdicate his responsibility and refuse to maintain them. The finding of the Trial Court that Veluchamy had deserted his wife and children and, therefore, he is liable for maintenance under Section 125 of the Code of Criminal Procedure cannot be faulted. This finding is confirmed. However, taking into consideration the financial status of Veluchamy, this Court is of the view that it will serve the interest of justice, if the maintenance amount is reduced from Rs.10,000/- to Rs.5,000/- in respect of Chandramala alone. Thus, a total sum of Rs.15,000/- is payable by Veluchamy to Chandramala and two children per month from the date of petition, viz., 16.06.2014.

7. With the above modification in the quantum of maintenance, this Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

The Judge, Family Court, Srivilliputhur, Virudhunagar District.

Copy to:

The Section Officer, Criminal Section,

Madurai Bench of Madras High Court, Madurai (2 Copies)

Order made in

Cr1.R.C. (MD) No.102 of 2018

Dated:-

22.02.2018