



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **26.03.2018**
CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.R.C.(MD)No.187 of 2018
and
Cr1.MP.(MD)No.2414 of 2018

Chellamuthu : Petitioner / Respondent
-Vs.-
1.Mallikga
2.Naveen Kumar (minor)
3.Mukesh (minor) : Respondents / Petitioners

[R2 and R3 being minors represented by their guardian, the first respondent]

Prayer: Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., to call for the records relating to the orders passed by the learned District Munsif cum Judicial Magistrate, Karaikudi in M.C.No.23 of 2012 dated 06.09.2013 and set aside the same and allow the above revision petition.

For Petitioner : Mr.R.Boomirajan
For Respondents : No appearance

O R D E R

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

2. Mallikga got married to Chellamuthu on 23.05.1996 and they have two children namely, Naveen Kumar and Mukesh. On account of mis-understanding, the couple got separated. Mallikga filed M.C.No.23 of 2012 before the learned District Munsif cum Judicial Magistrate, Karaikudi, under Section 125 Cr.P.C., claiming maintenance for herself and her two children. Mallikga examined herself as P.W.1 and marked four exhibits. Chellamuthu examined himself as R.W.1 and no document was marked on his side. The trial Court, by order dated 06.09.2013, has awarded maintenance of Rs.1,000/- per month each [Rs.3,000/- in total for herself and her two children]. Challenging the said order, Chellamuthu has filed the present Criminal Revision Case with a delay of 567 days. Therefore Chellamuthu filed M.P.(MD)No.1 of 2015 in Cr1.R.C.(MD) No.187 of 2018 under Section 5 of the Limitation Act for condonation of delay.



3. This Court has condoned the delay today and has taken up the main revision case for hearing.

4. On facts, this Court does not find any infirmity in the order passed by the trial Court awarding maintenance of a paltry sum of Rs.1,000/- [Rupees One Thousand only] per month per applicant.

5. It is seen that Chellamuthu has not even paid any amount sofar towards maintenance. Hence, this Criminal Revision Case is devoid of merits and the same is dismissed. Consequently, the connected Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The District Munsif cum Judicial Magistrate,
Karaikudi.

SM

VB/KKR/SAR3/11.04.2018/2P/2C

Order made in
Cr1.R.C. (MD) No.187 of 2018
26.03.2018