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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2018

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.R.C.(MD) No.537 of 2017

and

CrI.M.P.(MD) No.7248 of 2018

D.Irudayaraj

... Petitioner

Vs.

1.Sahayarani

2.I.Sherly

3.I.Sujatha

... Respondents

PRAYER: The Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records of the revision petition in the M.C.No.168 of 2014 on the file of the Family Court, Trichy and set aside the order dated 12.04.2017 awarding maintenance in favour of the respondents.

For Petitioner : Mr.D.Rajkumar

For Respondents : Mr.V.Sasikumar

ORDER

This criminal revision case has been filed to set aside the order dated 12.04.2017 awarding maintenance in favour of the respondents in M.C.No.168 of 2014 on the file of the Family Court, Trichy.

2.Heard the learned counsels on either side.

3.The wife and two daughters have filed maintenance petition against the respondent who admittedly earning of Rs.1,12,000/- per month. The trial Court after considering the contention raised by the petitioner as well as the respondents had fixed a sum Rs.15,000/- as maintenance for each of his daughters and dismissed the claim of the first petitioner / wife. Aggrieved by that, the respondent / husband has preferred the present revision case.

4.It is submitted by the learned counsel for the petitioner that he is ready to pay 1/4th share of his income to his daughters, but the proposal is torpedoed by the intervention of the first respondent.



making a compromise proposal despite the order of the trial Court fixing the maintenance of Rs.15,000/- each as early as 12.04.2017 in the maintenance petition filed in the year 2014 and not even a single pie has been paid by the petitioner to show his *bona fide*.

6. Under the guise of settling the issue, the petitioner herein is protracting the proceedings and whenever the matter was referred to Mediation, he did not agree for any amicable settlement.

7. Records perused.

8. The petitioner, who is the sole respondent in the suit had not maintained his daughters despite the order of the trial Court. He declined to pay even a sum of Rs.15,000/- per month. Now, after four years of filing the maintenance petition and after failed in his defence, is coming out with a compromise proposal, which on the face of it does not appear to be a genuine proposal. Fixing a sum of Rs.15,000/- per month for two daughters is not an unreasonable amount.

9. Hence, this criminal revision case is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar (CS-II)

To

1. The Judge, Family Court,
Trichy.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.V.SASIKUMAR, Advocate, SR.No.84841

Cr1.R.C. (MD) No.537 of 2017
14.09.2018

MM

KK/SV/SAR-2/22.10.2018/2P-4C