



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 05.04.2018

DELIVERED ON : 13.04.2018

WEB COPY

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.731 of 2017

Panneer Arokia Ramesh

.. Petitioner

Vs.

Rajeswari

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining the judgment made in D.V.O.P.No.26 of 2014 dated 20.10.2015 by the learned Judicial Magistrate, Valliyoor, Tirunelveli District ordering the petitioner to pay a sum of Rs.4,000/- each to the respondent and her daughter and to pay a sum of Rs.1,000/- for rent and the same is modified by the judgment of the learned IV Additional Sessions Judge, Tirunelveli in Crl. A.No.121 of 2015 dated 08.03.2017 ordering the petitioner to pay a sum of R.3,000/- each to the respondent and her daughter and to pay a sum of Rs.1,000/- for rent and set aside the same.

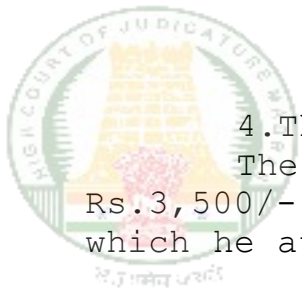
For Petitioner : Mr.R.Aravind Raj
For Respondent : No Appearance

ORDER

Heard Mr.R.Aravind Raj, learned counsel appearing for the petitioner. Though notice was served on the respondent and her name is printed in the cause list, none appears for the respondent.

2.This appeal has been filed to set aside the judgment passed by the learned IV Additional Sessions Judge, Tirunelveli in Crl. A.No.121 of 2015 dated 08.03.2017 ordering the petitioner to pay a sum of R.3,000/- each to the respondent and her daughter and to pay a sum of Rs.1,000/- for rent.

3.On the side of the petitioner, it is stated that the monthly income of the petitioner is 3,500/- to 4,500/- and the learned Judicial Magistrate refused to receive the document regarding the salary of the petitioner.



4.The certificate narates as follows:

The petitioner is a tailor and his salary might be Rs.3,500/- to 4,500/- calculating the piece rate and on dates on which he attend the work.

This certificate was not supported by any oral evidence. Even the certificate itself, is vague as to the number of working days pieces per day and rate per piece, which are not stated in the certificate. Hence, the certificate is not acceptable.

5.On the side of the petitioner, it is further stated that the daughter of the respondent is not a party to the proceedings in D.V.O.P.No.26 of 2014 and hence claim made to the daughter of the respondent is incorrect. This contention of the petitioner is not acceptable. Hence, the daughter of the respondent though not a party to the divorce proceedings is also the daughter of the petitioner. The petitioner is duty bound to maintain his daughter.

6.On the side of the petitioner, it is stated that the respondent got employment in the Social Welfare and Nutritious Meal Program Department as Noon Meal Organizer. He would further submit that she is not eligible for the maintenance.

7.Records perused. From the records, it is seen that the respondent/wife is a differently able person. The petitioner avoided the witness box to prove that the respondent got employment in the Noon Meal Scheme the alleged employment also is only a temporary employment. The document relating to that employment is not proved on the side of the petitioner.

8.In this circumstances, there is no merit in this petition and sufficient enough to interfere with the orders passed by the lower Court. Hence, this petition is dismissed. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The IV Additional Sessions Judge, Tirunelveli.

2.The Judicial Magistrate, Valliyoor, Tirunelveli District.

+ 1 cc TO Mr.R.Aravind Raj , Advocate in SR No. 61124

Mrn

AE/JC/SAR2/25.05.2018/2P/4C

<https://hcservices.ecourts.gov.in/hcservices/>

Cr1. RC.(MD)No.731 of 2017
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