



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2018

CORAM:

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C(MD)No.329 of 2018

and

Crl.M.P.(MD).No.4546 of 2018

Nagaraja

.. Petitioner/Respondent/Respondent

-Vs-

1.Agnes Sahaya Britta

2.Kenisha (Minor) rep. by her mother 1st respondent

.. Respondents/Petitioners/Petitioners

Prayer: Criminal Revision Case is filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records from the Family Court, Nagercoil, in Crl.M.P.No.25 of 2018 made in M.C.No.1 of 2018, dated 21.05.2018 and set aside the same by allowing the Criminal Revision Case.

For Petitioner : Mr.V.H.S.Prathap

For Respondents : Mr.N.S.Ramakrishna Dass for R1

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2.The petitioner challenges the order passed by the trial Court, awarding interim maintenance of Rs.3,000/- to the first respondent/wife and Rs.2,000/- to the minor child/second respondent.

3.The contention of the learned counsel for the petitioner is that the petitioner/husband is an unemployed person and therefore passing interim maintenance of Rs.3,000/- and Rs.2,000/- for the first and second respondents respectively is illegal. The respondents have contended that the petitioner is earning a sum of Rs.40,000/- per month through selling of coconut. However, no document has been filed by the respondents to prove the income of the petitioner herein. Therefore, the trial court has fixed the maintenance amount approximately based on the status of the respective parties as Rs.3,000/- for the wife and Rs.2,000/- for



the child per month. There is no valid ground raised by the petitioner to consider the interim maintenance order as illegal or excessive. There is no merit in the Revision case.

4.Hence, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

To
The District Judge,
Family Court,
Nagercoil.

+1CC to Mr.K.Ramamurthy Advocate in Sr.No.78333.

+1CC to Mr.C.Sankar Prakash Advocate in Sr.No.78399.

TM
DS SKN RSK SAR-2;03.08.2018; 2P/4C

Cr1.R.C(MD)No.329 of 2018 and
Cr1.M.P. (MD) .No.4546 of 2018
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