



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

WEB COPY

Crl.R.C. (MD) No. 680 of 2016
and
Crl.M.P. (MD) No. 9537 of 2016

Ramachandran

: Petitioner

Vs.

1. Subapriya

2. Minor. Krithick Ram

Minor represented through his mother/

the first respondent as a natural guardian

: Respondents

PRAYER: Criminal Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code praying to call for the records and set aside the order passed in M.C.No.76 of 2015, dated 20.07.2016 on the file of the Family Court, Tirunelveli.

For Petitioner

: Mr.F.X.Eugene

For Respondents

: Mr.P.T.Ramesh Raja

ORDER

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

2. Subapriya got married to Ramachandran on 29.03.2013 and they have one son Krithick Ram through the wedlock. Their marriage ran into rough weather resulting in the spouses getting estranged. It is the case of Subapriya that at the time of marriage, her parents gave her 100 sovereigns of gold, a Ford Fiesta car valued at Rs.12,00,000/-, Rs.6,00,000/- worth of household articles; 5 Kilograms worth of silver articles and 15 sovereigns of gold for Ramachandran. This huge amount was demanded by the family of Ramachandran on the ground that he was employed in an IT Firm drawing Rs.80,000/- in Chennai. Since Ramachandran deserted Subapriya, she filed M.C.No.76 of 2015 before the Family Court, Tirunelveli under Section 125 of the Code of Criminal Procedure claiming maintenance for herself and her son. On notice, Ramachandran entered appearance and contested the claim. On behalf of Subapriya, she examined herself as P.W.1 and marked two exhibits, namely Exs.P.1 and P.2. Ramachandran examined himself as R.W.1 and marked two exhibits, namely Exs.R.1 and R.2. After taking into consideration the evidence adduced by both parties, the Family Court, by order dated 20.07.2016, in M.C.No.76 of 2015, has directed Ramachandran to pay Rs.7,500/- per month to Subapriya and Rs.5,000/- per month to Krithick Ram as maintenance with effect from the date of petition, namely 03.12.2015. Challenging the said order, Ramachandran has filed the present Criminal Revision Case.



3. Heard Mr.F.X.Eugene, learned counsel for the petitioner and Mr.P.T.Ramesh Raja, learned counsel for the respondents.

4. The learned counsel for Ramachandran submitted that Subapriya has also initiated Domestic Violence proceedings in M.C.No.14 of 2015 against Ramachandran and his family members seeking maintenance and residence, in which, the learned Magistrate has awarded Rs.13,000/- per month as maintenance.

5. Per contra, the learned counsel for Subapriya submitted that the learned Magistrate was aware of the order passed by the Family Court, Tirunelveli, in M.C.No.76 of 2015 and has awarded Rs.13,000/- per month as maintenance inclusive of Rs.12,500/- awarded by the Family Court, Tirunelveli in M.C.No.76 of 2015. In other words, the learned counsel submitted that the learned Magistrate has enhanced the maintenance only by adding Rs.500/- per month.

6. This Court gave its anxious consideration to the rival submissions.

7. It is seen that after marriage and child birth, Ramachandran had deserted his wife and has also filed H.M.O.P.No.159 of 2014 for divorce before the Sub Court, Kovilpatti. However, Subapriya has filed H.M.O.P.No.303 of 2015 for restitution of conjugal rights. This clearly shows that Ramachandran wants to be away from Subapriya, but whereas, she wants to rejoin him. Hence, the finding of the Family Court that Ramachandran had willfully neglected to maintain Subapriya and his minor son is affirmed. As regards the quantum of maintenance also, the Family Court has taken into consideration the relevant factors and has awarded a total maintenance of Rs.12,500/- for both of them, which is also not in excessive. In such view of the matter, this Court does not find any infirmity in the order passed by the Family Court warranting interference. Hence, this Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

The Family Court, Tirunelveli.

+1CC TO M/S.R.PONKARTHIKEYAN, ADVOCATE, SR NO.55012

+1CC TO M/S.F.X.EUGENE, ADVOCATE, SR NO.55064

Order made in
Crl.R.C. (MD) No.680 of 2016
13.03.2018