



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl. R.C.(MD)No.818 of 2016

Anthonymuthu

... Petitioner / Respondent

-Vs.-

Minor.Antro Jasmine,
D/o.Anthonymuthu,
Represented by her guardian,
Jacob Benjamin

... Respondent / Petitioner

Prayer: Criminal Revision Case - filed under Section 397 r/w 401 Cr.P.C., to allow this Criminal Revision and set aside the order dated 17.11.2014 passed in M.C.No.11 of 2011 on the file of the District Munsif cum Judicial Magistrate Court, Eraniel.

For Petitioner	: Mr.C.K.M.Appaji
For Respondent	: Mr.R.Murugan

O R D E R

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

2.Anthonymuthu got married to Jasmine Alli on 11.09.2000 and they have one daughter by name Antro Jasmine. Jasmine Alli died on 07.01.2008 and after the death of Jasmine Alli, Antro Jasmine was being brought up by her Maternal Grandfather and Maternal Uncle, Jacob Benjamin. Antro Jasmine, through her guardian filed M.C.11 of 2011 under Section 125 Cr.P.C. against Anthonymuthu claiming maintenance of Rs.4,000/- per month before the learned District Munsif, Eraniel.

3.On behalf of Antro Jasmine, two witnesses were examined and 15 documents were marked. On behalf of Anthonymuthu, three witnesses were examined and two documents were marked.

4.After considering the evidence adduced by both the parties, the trial Court, by order dated 17.11.2014 in M.C.No.11 of 2011 directed Anthonymuthu to pay Rs.3,000/- per month to his daughter as maintenance from the date of petition, challenging



5. Heard the learned counsel for Anthonymuthu and the learned counsel for Jacob Benjamin.

6. The learned counsel for Anthonymuthu submitted that his daughter Antro Jasmine is willing to come and live with him and that the maintenance amount is being swindled by Jacob Benjamin.

7. Per contra, the learned counsel for Jacob Benjamin submitted that Anthonymuthu has filed G.W.O.P.No.123 of 2010 seeking guardianship of Antro Jasmine and that the case is still pending before the District Court, Kanyakumari.

8. Under the said circumstances, this Court cannot decide about the guardianship of Antro Jasmine in this Criminal Revision Case.

9. Admittedly, Anthonymuthu has got married after the death of his wife Jasmine Alli. Be that as it may, it is the duty of Anthonymuthu to take care and pay some maintenance to his daughter, since she is under the care and custody of her maternal Grandfather and Uncle.

10. Admittedly, Antro Jasmine is studying in 8th standard in Betheny Navajeevan Matric School, which is a private school and not a Government School. Therefore, the Grand Parents of the child must be paying the school fees and incurring other expenses for the child.

11. In such view of the matter, the trial Court has awarded a paltry sum of Rs.3,000/-, which, in today's cost of living, cannot be said to be excessive warranting interference.

12. In such circumstances, this Criminal Revision Case is devoid of merits and is dismissed.

13. The learned District Judge, Kanyakumari is directed to complete G.W.O.P.No.123 of 2010 within a period of six months from the date of receipt of a copy of this order, provided Anthonymuthu co-operates in the disposal of the case.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

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

1. The Principal District Munsif cum Judicial Magistrate Court,
Eraniel.



2.The District Judge,
Kanyakumari at Nagercoil.

+1cc to M/S.C.K.M.Appaji, Advocate SR.No. 40935

+1cc to M/S.R.Murugan, Advocate SR.No. 40633

Cr1. R.C.(MD)No.818 of 2016

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JM/SV MMS/SAR 2/23.01.2018/3P/5C