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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.R.C(MD)No.503 of 2018

and

CrI.M.P.(MD) No.6877 of 2018

Sethuraman : Petitioner/Respondent

Vs.

1.Muthulakshmi

2.Minor Aunsiya

3.Minor Arunkumar : Respondents/Petitioners

(Minors respondents 2 and 3 are represented through their guardian, Mother, the first respondent)

PRAYER: Revision filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records and set aside the order dated 09.08.2018 made in M.C.No.22 of 2017 on the file of the Family Court, Sivagangai and allow the Criminal Revision Petition.

For Petitioner : Mr.N.Madhava Govindan

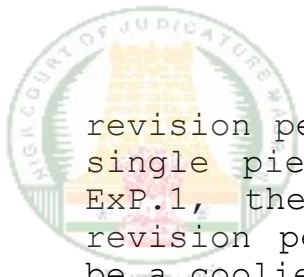
ORDER

This criminal revision case is filed against the order dated 09.08.2018 made in M.C.No.22 of 2017 on the file of the Family Court, Sivagangai.

2.Aggrieved by the maintenance amount of Rs.2,000/- to the first respondent/wife and Rs.4,000/- each to the 2 and 3 respondents, who are the minor daughter and son of the petitioner herein, the present criminal revision case has been filed.

3.The contention of the revision petitioner is that he is only a coolie worker and not capable to pay Rs.10,000/- as maintenance. The further contention is that the first respondent is voluntarily deserted him and therefore, she is not entitled for any maintenance.

4.However, the learned Judicial Magistrate, considering the submission made by the revision petitioner regarding his income and conduct of the first respondent, has found that the revision petitioner is earning a sum of Rs.5,00,000/- per annum through the real estate business and suppressing his income, he claimed as if only a coolie. When enquired, whether he has paid any maintenance so far to his wife and children, the learned counsel for the



revision petitioner would admit that till date he has not paid even single pie for their maintenance. The trial Court, considering Exp.1, the patta of property, which stands in the name of the revision petitioner, concluded that the revision petitioner cannot be a coolie or income less person.

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5.It is contented by the learned counsel for the revision petitioner that the said property is not the absolute property of the revision petitioner, but stands in his favour and seven other legal heirs are entitled to have a share in the property.

6.The facts of his income and non-payment of maintenance to his wife and children per se force this Court to dismiss the criminal revision as devoid of merits and accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar(CS-II)

To
The Judge,
Family Court, Sivagangai.

- 1 CC TO Mr. Mr.N.Madhava Govindan , ADVOCATE IN SR No.

CP

DS PM SAR-2 11.10.2018 2P/3C

ORDER MADE IN
Cr1.R.C(MD)No.503 of 2018
and
Cr1.M.P.(MD) No.6877 of 2018
31.08.2018