

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.137 of 2019
&
Crl.M.P.No.1202 of 2019

A.M.Ameer Basha

... Petitioner/Respondent

Vs.

1. A.Basheera Begum

2. Minor A.Nasheera Begum

3. Minor A.Nasheer Ahamed

(Minors Rep. By their Mother &
Natural Guardian A.Basheera

Begum, the 1st Respondent) ... Respondents/Petitioner

Prayer:Criminal Revision Case filed under Section 397 read with 401 Cr.P.C., to allow the above Criminal Revision Case by setting aside the order dated 10.10.2018 passed in M.C.No.11 of 2018 on the file of the Family Court, Namakkal.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.K.Anees Fathima

O R D E R

The Criminal Revision Case has been filed by the petitioner under Section 397 read with 401 Cr.P.C., to allow the above Criminal Revision Case by setting aside the order dated 10.10.2018 passed in M.C.No.11 of 2018 on the file of the Family Court, Namakkal.

2.The petitioner is the husband, 1st respondent is the wife, 2nd and 3rd respondents are children. The 1st respondent filed a petition before the Family Court, Namakkal under section 125 of Cr.P.C for maintenance in M.C.No.11 of 2018. After the enquiry the learned Family Court Judge awarded Rs.3,000/- per month to the wife and Rs.2,500/- each to the children i.e. 2nd and 3rd respondents herein totally a sum of Rs.8,000/- has been awarded.

Challenging the said order, the husband has filed the present Criminal Revision.

3.The learned counsel for the petitioner would submit that his wife without any sufficient reason living separately and she has not given sufficient reasons for her separation. The petitioner is already paying Rs.5,000/- per month to his wife towards maintenance of her and his children. The said fact was admitted by the 1st respondent during the examination. This fact is not considered by the Family Court while passing orders, which is perverse and the same warrants interference of this Court.

4.The learned counsel for the 1st respondent would submit that the said amount of Rs.5,000/- has been paid only for the nine months. The 1st respondent is a house wife and being a Muslim lady, she could not go for any work. The 2nd and 3rd respondents are her minor children. Therefore, the amount of Rs.5,000/- is not even sufficient and that too he has been paying only for the past nine months. Therefore, the order passed by the Family Court, Namakkal is reasonable and need no interference. Accordingly, prays for appropriate orders.

5.Heard both sides. Perused the records.

6.Admittedly, the petitioner is the husband, the 1st respondent is the wife and the 2nd & 3rd respondents are the minor children of the petitioner and the 1st respondent. The relationship of the parties are not in dispute and the respondents are living separately from the petitioner is also not in dispute. The respondents are unable to maintain themselves is also not in dispute.

7.Considering the facts and circumstances of the case and also cost of living and price index prevailing as on date, a sum of Rs.8,000/- to maintain the family i.e. three persons is not highly excessive and is only reasonable amount. Therefore, under these circumstances, this Court does not find any perversity in the order passed by the Family Court, Namakkal. This Revision has no merit and liable to be dismissed.

8.Accordingly, this Criminal Revision Case stands dismissed. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

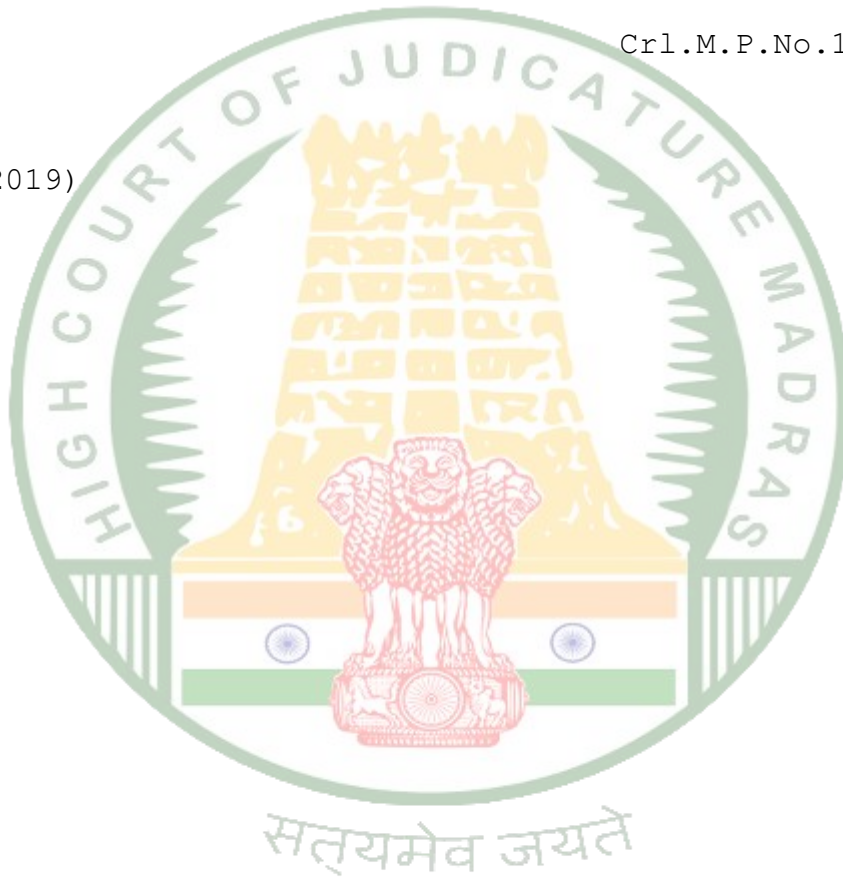
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To

1. The Family Court,
Namakkal District.

+1 CC to Mr.K.Govi Ganesan, Advocate sr 15751.

CrI.R.C.No.137 of 2019
&
CrI.M.P.No.1202 of 2019

CA(CO)
SP(15/03/2019)



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