

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1241 of 2012 and
M.P.No.1 of 2012

S.Manickam

...Petitioner

Vs.

Sudha

...Respondent

This Criminal Revision case has been filed under Sections 397 and 401 of Code of Criminal Procedure to call for the records in judgment dated 01.06.2012 in M.C.No.5 of 2003 passed by the learned Judicial Magistrate, (Incharge), Jayamkondam, and set aside the same.

For Petitioner : Mr.A.Padmanaban - No Appearance

For Respondent : Mr.Saikrishnan for M/s.Sai Bharath

ORDER

This criminal revision case has been filed against the order of maintenance dated 01.06.2012 in M.C.No.5 of 2003 by the learned Judicial Magistrate, Jeyamkondam.

2 Since this criminal revision case is pending from the year 2012 without any progress and the learned counsel for the petitioner is not appearing before this Court to argue the matter on merit, despite several opportunities given and also considering the fact that the revision is preferred only against the grant of maintenance, this Court, as no other option, gone through the papers and dispose of the same on merit.

3 Heard the learned counsel appearing for the respondent and carefully perused the materials available on record.

4 It is seen that the petitioner is father and respondent is daughter. The respondent/daughter had filed the case under Section 125 of Cr.P.C. against the petitioner/father seeking maintenance, in M.C.No.5 of 2003. The learned Judicial Magistrate, Jeyamkondam, after hearing both the counsel, by order dated 01.06.2012, granted maintenance at Rs.1,000/- p.m. and ordered to repay Rs.7,500/- spent by the respondent/daughter towards DNA test. Challenging the order of maintenance, the father is now before this Court with the present criminal revision casse.

5 The respondent was born through second wife of the petitioner herein and the contention of the respondent/daughter before the Magistrate is that the petitioner on the ill-advice given by the children born through the first wife had driven out the respondent and her mother from the matrimonial home. The respondent/daughter complained the action of the petitioner/father, before Panchayat, wherein the petitioner had agreed to take care of the respondent and her mother, but, the petitioner did not keep up his words and thrown out the respondent and her mother from the home.

6 It is seen that relationship of the parties is not in dispute and they are living separately is also not in dispute. The learned Magistrate, considering the fact that the petitioner despite having sufficient means, neglected the respondent/daughter and her mother, who are unable to maintain themselves. The respondent/daghter has proved her claim and the income of the petitioner/father and further the respondent/daughter did not file any revision seeking enhancement of maintenance. Considering the income of the petitioner and the cost of living prevails as on date, this Court does not find any perversity in the order of maintenance at Rs.1,000/- granted by the learned Magistrate and the same does not call for any interference.

7 In the result, the criminal revision case is dismissed and the petitioner/father is directed to pay entire arrears of maintenance within a period of three

months from the date of receipt of a copy of this order.
Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(insp cell)

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Sub Assistant Registrar

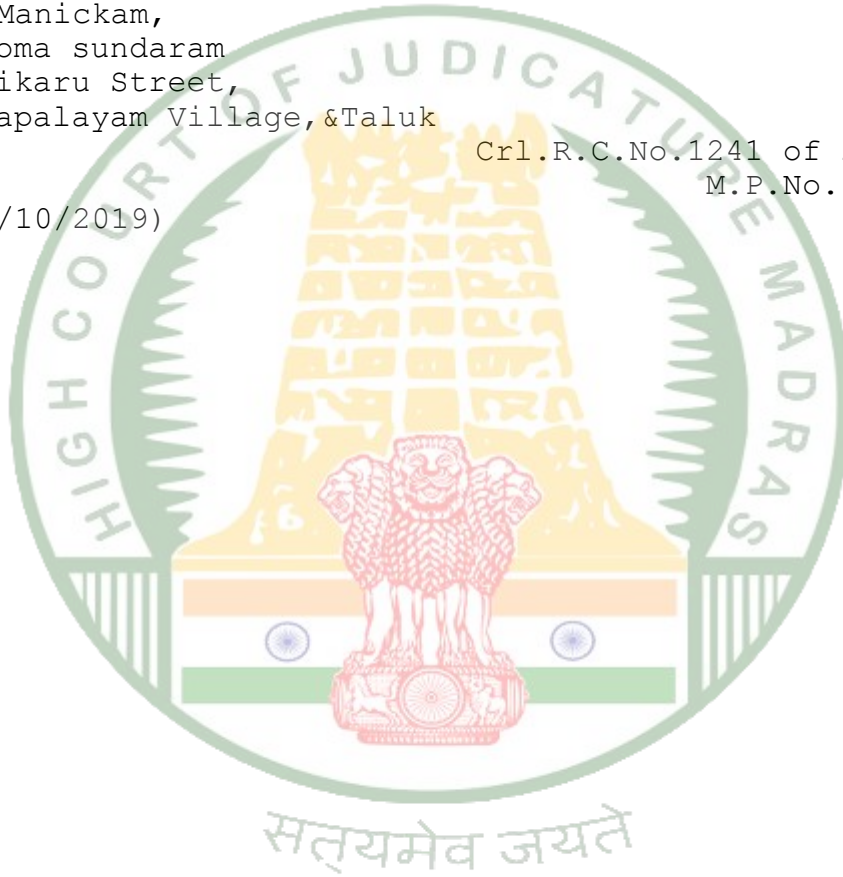
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To

The Judicial Magistrate, (Incharge), Jayamkondam.

2.Mr.S.Manickam,
S/o,Soma sundaram
Servaikaru Street,
Udaiyapalayam Village,&Taluk

Crl.R.C.No.1241 of 2012 and
M.P.No.1 of 2012

A.SK(14/10/2019)



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