

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Cr1.R.C.No.1553 of 2012
and
MP.No.1 of 2013

R.Manikandan ... Petitioner/Respondent

- Vs -

1. Tmt. Megala

2. Minor Rakesh ... Respondents/Petitioners

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C., praying to call for the records in MC.No.5/2010 dated 21.08.2012 on the file of the Chief Judicial Magistrate, Tiruvallur, Tiruvallur District to set aside the same.

For Petitioner : No Appearance

For respondents: M/s.S.Shankar
W.Camyles Gandhi

O R D E R

This Criminal Revision Case has been filed to set aside the order dated 21.08.2012 made in MC.No.5 of 2010 passed by the learned Chief Judicial Magistrate, Tiruvallur, Tiruvallur District.

2. The revision petitioner is the husband, the first respondent is the wife and the second respondent is their minor son. The marriage between the petitioner and the first respondent was solemnised on 08.02.2009 and out of their wedlock, they blessed with a male child/the second respondent herein. The petitioner demanding dowry from the first respondent, had driven out her from the matrimonial home. Therefore, the respondents are living separately. Though the petitioner is having sufficient means, he neglected to maintain his wife and child. Hence, the respondents filed a case under Section 125 of Cr.P.C in M.C.No.5 of 2010 seeking maintenance before the learned Chief Judicial Magistrate, Tiruvallur, in the year of 2010. On 21.08.2012 the learned Magistrate, after enquiry, directed the respondent therein/husband to pay a sum of

Rs.2000/- each to the petitioners therein/wife and minor child totalling to Rs.4000/- towards monthly maintenance from the date of the petition and continue to pay every month on or before 10th day of English Calendar month. Challenging the said order, the husband has filed the present revision before this Court.

3. It is seen from the records that this revision petition is pending from the year 2012 till today without any progress.

4. None appeared on behalf of the revision petitioner. Heard the learned counsel for the respondents and also perused the materials available on record. This Court is inclined to dispose of the case on merit.

5. It is not in dispute that the revision petitioner is the husband, the first respondent is the wife and the second respondent is their minor child. Since the first respondent had not met out the revision petitioner's demands, the respondents were driven out from the matrimonial home. Despite the revision petitioner has got sufficient means, he neglected to maintain the respondents herein. The petitioner has not proved that the respondents are having sufficient means to maintain themselves. In the absence of the same, the trial Court found that the petitioner is having sufficient means to maintain the respondents and awarded a sum of Rs.2000/- each to the respondents towards maintenance. Considering the fact that the respondents are unable to maintain themselves and also the cost of living, the trial Court awarded a sum of Rs.2,000/- to each of the respondent, which are reasonable. This Court does not find any perversity in the order passed by the learned Magistrate. Accordingly, this Criminal Revision Case is dismissed. The order dated 21.08.2012 made in M.C.No.5 of 2010 passed by the learned Chief Judicial Magistrate, Tiruvallur, is hereby confirmed. The revision petitioner/husband is directed to deposit the entire arrears of maintenance, if any, from the date of filing the maintenance case till today, into the Court below, within a period of one month, from the date of receipt of a copy of this order. The revision petitioner is also directed to pay the monthly maintenance amount of Rs.2,000/- each [Totalling to Rs.4,000/-] to the respondents as directed by the Court below. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Insp.cell)

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Sub Assistant Registrar

KMI

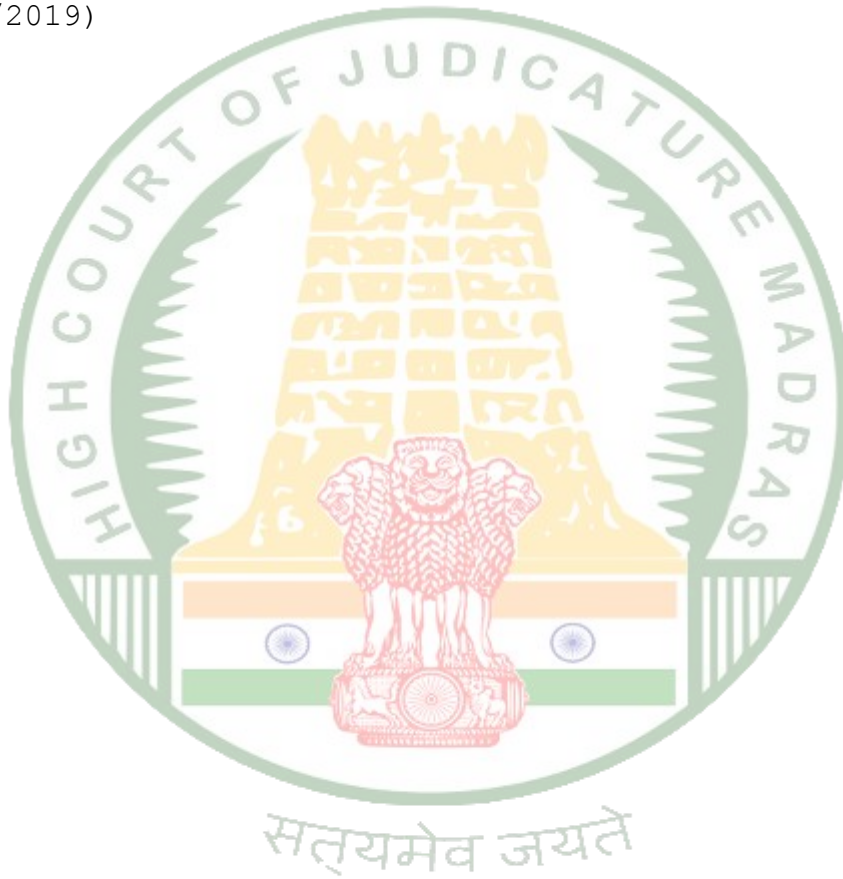
To

The Chief Judicial Magistrate,
Tiruvallur, Tiruvallur District.

+1cc to Mr.PS.Kothandaraman, Advocate SR.No.69316

Cr1.R.C.No.1553 of 2012

GMV (16/08/2019)



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