

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2019

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.RC.No.703 of 2012

R.Chinnaraju

..... Petitioner/Respondent

vs

1.B.Jayalakshmi,
2.Minor Hariprasath,
Rep by Natural Gurdian,
B.Jayalakshmi.
3.Minor Delipkumar,
Rep by Natural Gurdian,
B.Jayalakshmi.

..... Respondents/Petitioner

Prayer Criminal Revision filed under Sections 397 & 401 of Code of Criminal Procedure, to call for the entire records pertaining to the order dated 01.06.2011 in M.C.No.211 of 2009 on the file of the Family Court, Coimbatore and set aside the same.

For Petitioner : Mr.G.B.Saravanabhavan
For Respondents: Mr.S.Parthasarathy

ORDER

The petitioner is the husband and the first respondent is his wife, the second and third respondents are their children. The marriage between the revision petitioner and the first respondent was solemnized on 31.08.1995, and out of their wed lock they gave birth to two children, After that they were residing in the house of the revision petitioner. Since he is having illegal intimacy with another lady, the first respondent left the matrimonial home along with her children and living separately.

2 The respondents herein filed a petition under Section 125 Cr.P.C., for maintenance before the Family Court, Coimbatore, in M.C.No.211 of 2009. After an elaborate enquiry, the learned Judge, Family Court, Coimbatore, found that the revision petitioner is a Government servant and was earning

monthly salary of Rs.17,147/- and in his net salary 13,060/-. Since he is earning more than 10,000/-, he neglect to maintain his wife and children. Hence, the learned Judge, Family Court, Coimbatore, awarded a sum of Rs.2,000/- each towards maintenance to the respondents. Challenging the said order of the learned Judge, Family Court, Chennai, in M.C.No.211 of 2009 the revision petitioner filed this Criminal Revision Case before this Court.

3 Though, the maintenance case filed in the year 2009, the Family Court decided the matter during 2011. On considering the facts and circumstances of the case and also issue involved in this case is with respect to the family dispute.

4 This Court is inclined to take up the case for disposal. Perused the materials available on records carefully and also the order passed by the Family Court. In this case, the marriage between the petitioner and the first respondent is not in dispute and the paternity of the children also not in dispute. The revision petitioner has taken his defence in the cross examination that he borrowed loan for a sum of Rs.3,00,000/-for purchasing land, and a sum of Rs.3,50,000/-for construction of house. The petitioner only has to repay the said loan.

5 Stating the above reasons, the revision petitioner refused to maintain his wife and children. Therefore, the Family Court, Coimbatore, has awarded a sum of Rs.2,000/- each per month to the respondents as maintenance. Though, the revision petitioner is a Government Servant and his refusal to maintain his family is not at all sustainable. Hence, this Court finds that there is no perversity in the order passed by the trial Court in M.C.No.211 of 2009.

6 The revision petitioner is directed to pay the maintenance amount to the second and third respondents with arrears, till they are attaining majority. The revision petitioner is further directed to pay the entire arrears amount, less the amount which already paid if any, within four weeks from the date of receipt of copy of this order.

7 Accordingly, the Criminal Revision Case is dismissed with the above modification.

s/d-

Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

To

1. The learned Judge,
The Family Court,
Coimbatore.

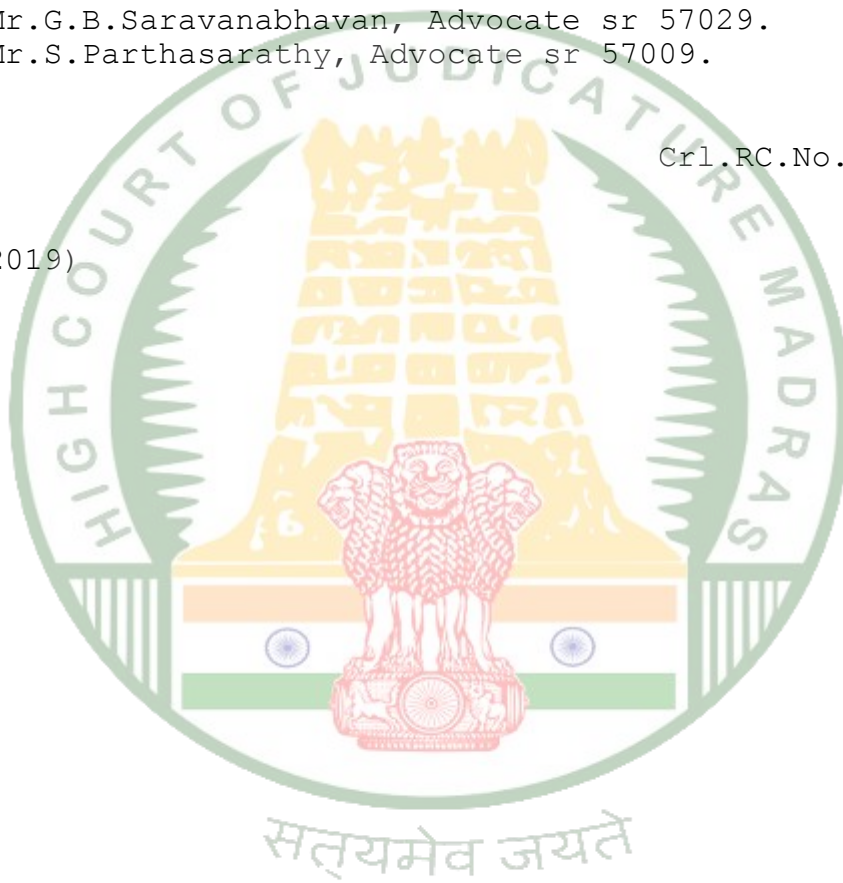
Copy to
The Section officer
Criminal Section
High Court, Madras 104.

+1 CC to Mr.G.B.Saravanabhavan, Advocate sr 57029.

+1 CC to Mr.S.Parthasarathy, Advocate sr 57009.

Crl.RC.No.703 of 2012

PP(CO)
SP(06/09/2019)



WEB COPY