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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Cr1.R.C.No.883 of 2012

and

MP.No.1 of 2012

Dhandapani

... Petitioner

Vs.

1. Sukasini

2. Minor Pravin

rep by Guardian and next
friend Mother Sukasini

... Respondents

Criminal Revision filed under Sections 397 and 401 Cr.P.C., praying to call for the records relating to the order dated 31.01.2012 made in M.C.No.9 of 2010 passed by the learned Judicial Magistrate No.1, Tindivanam, Villupuram District and set aside the same.

For Petitioner : No Appearance

For Respondents: Mr.K.Subburam

O R D E R

This Criminal Revision has been filed against the order dated 31.01.2012 made in M.C.No.9 of 2010 passed by the learned Judicial Magistrate No.1, Tindivanam, Villupuram District

2. The revision petitioner is the husband, the first respondent is the wife and the second respondent is the minor son. The respondents filed a case under Section 125 of Cr.P.C in M.C.No.9 of 2010 seeking maintenance before the learned Judicial Magistrate No.1, Tindivanam, in the year of 2010. On 31.01.2012 the learned Magistrate, after enquiry, directed the respondent therein/husband to pay a sum of Rs.1500/- to the first petitioner therein/wife and Rs.800/- to the second petitioner/minor child totalling to Rs.2300/- towards monthly maintenance from the date of the petition and continue to pay



every month on or before 5th day of English Calendar month. Challenging the said order, the husband filed the present revision before this Court.

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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 respondent. Perused the materials available on record.

5. It is not in dispute that the revision petitioner is the husband, the first respondent is the wife and the second respondent is the minor child. The respondents filed a case in M.C.No.9 of 2010 seeking maintenance before the learned Judicial Magistrate No.1, Tindivanam. On 31.01.2012 the learned Magistrate, after enquiry, passed an order of maintenance by directing the respondent therein/husband to pay a sum of Rs.1500/- to the first petitioner therein/wife and Rs.800/- to the second petitioner/minor child totalling to Rs.2300/- towards monthly maintenance from the date of the petition and continue to pay every month on or before 5th day of English Calendar month. The revision petitioner is living with another woman and he neglected to maintain the respondents. There is no evidence to show that the respondents are having sufficient means to maintain themselves.

6. In view of the above facts, 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 31.01.2012 made in M.C.No.09 of 2010 passed by the learned Judicial Magistrate No.1, Tindivanam is confirmed. The revision petitioner is directed to deposit the entire arrears of the maintenance from the date of filing the maintenance case till today into the Court below. The revision petitioner is also directed to pay the monthly maintenance amount of Rs.2,500/- to the respondent as directed by the Court below. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



To

1.The Judicial Magistrate No.1,
Tindivanam.

2.-Do- Thro' The Chief Judicial Magistrate,
Villupuram.

+1cc to Mr.R.Subburam, Advocate Sr.47730

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srg 13/08/2019