

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 11.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
Crl.RC.No.300 of 2019
and
Crl.M.P.No.3575 of 2019

V.Manikandan

... Petitioner

Vs

1.Mrs.R.Sangeetha

2.Minor M.Bhavya

3.Minor M.Kanishka

(Minors 2nd and 3rd petitioner rep.by
by their mother and natural guardian

1st Petitioner R.Sangeetha)

.... Respondents

Prayer: Criminal Revision case filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order passed in M.C.No.399 of 2013 dated 12.03.2018 on the file of the III Additional Family Court, Chennai.

For Petitioner : Mr.K.Gajendiran

O R D E R

This Criminal Revision Case has been filed to set aside the order passed in M.C.No.399 of 2013 dated 12.03.2018 on the file of the III Additional Family Court, Chennai.

2. The petitioner is the husband and the first respondent is his wife and the second and third respondents are the minor children of the petitioner and the first respondent. The marriage between the petitioner and the first respondent was solemnized on 28.08.2006 at Kani Madasamy Marriage Hall, Chindataripet, Chennai, according to Hindu rites and customs. After the marriage they lived together in a Matrimonial home. Out of their wedlock they blessed with two children. Subsequently, some misunderstanding arose between them. Due to the difference of opinion the first respondent left the matrimonial home along with her two minor children.

3. Thereafter, the first respondent filed a petition under Section 125 of Cr.P.C., before the III Additional Family Court, Chennai, for maintenance. After completing the proceedings, the learned III Additional Family Court Judge, Chennai, awarded a sum of Rs.5,000/- per month to the first respondent and Rs.2,500/- each per month to the second and third respondents towards maintenance. As against the said order the petitioner preferred a present revision case before this Court.

4. The learned counsel for the petitioner would submit that without any valid reasons the first respondent left the Matrimonial home along with the children. The petitioner is working in petty shop and earning Rs.200/- per day. Hence, the learned III Additional Family Court Judge, Chennai, awarded a sum of Rs.5,000/- to the first respondent and Rs.2,500/- each per month to the second and third respondents. Which is very excessive and exorbitant. Therefore, the learned counsel prays to allow this revision case.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. Considering the facts and circumstances of this case, that the relationship of the parties are not in dispute and the petitioner is having sufficient means and neglects to maintain his wife and children as a dutiful husband as well as the father, he has the responsibility to take care of his wife and children. The respondents are unable to maintain themselves. Further, the III Additional Family Court Judge, Chennai, awarded a sum of Rs.5,000/- per month to the first respondent and Rs.2,500/- each per month to the second and third respondents towards maintenance is very reasonable. Under these circumstances, this Court does not find any perversity in the order passed by the trial Court. Therefore, there is no merits in this Revision Case. Accordingly, this Revision Case is dismissed in the admission stage itself. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sbn
To

1.The learned III Additional Judge,
The III Additional Family Court, Chennai.

Copy to:

The Section Officer, Criminal Section, High Court, Madras.

+lcc to M/s.S.Sadasharam, Advocate sr.22460

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nr 13/12/2019