

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2019

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1526 of 2013

S.Basheer Ahmed

..... Petitioner/Respondent

vs

1.S.Thilshath

2.Master Junaaid Ahamed(Minor)
Minor Rep by his Mother
and Natural Guardian Mrs.S.Thilshath

..... Respondents

The Criminal Revision is filed under Section 397 read with 401 of Code of Criminal Procedure, to set aside the order dated 27.08.2013 in M.C.No.279 of 2010 passed by the learned II Additional Family Court Judge, Chennai.

For Petitioner : Mrs.S.Gajalakshmi Rajendran
No appearance

For Respondents: Mr.D.Arunkumar

O R D E R

The petitioner and the first respondent are husband and wife. The second respondent is their son. The respondents filed a case under 125 Cr.P.C. against the petitioner before the Additional Family Court, Chennai for maintenance, which was taken on file in M.C.No.297 of 2010. After enquiry on either side, the Family Court allowed the case in part and directing the petitioner to pay a sum of Rs.4,000/- per month to the second respondent/minor son towards maintenance. The learned Judge, Family Court, disallowed the case against the first respondent.

2. Challenging the order passed by the Family court, the petitioner has filed this revision before this Court.

3. Today, when the matter came up for hearing, none appeared on behalf of the petitioner. Despite giving sufficient opportunities, there is no representation on behalf of him and

the matter is pending from the year 2013. Therefore, this Court is inclined to dispose of the revision on merits in accordance with law.

4. Heard the learned counsel for the respondents and perused the materials available on record.

5. On a perusal of records, it is seen that the marriage between the petitioner and the first respondent was solemnized on 25.05.2003 according to Muslim Religious rites and customs. After marriage, they were living in petitioner's house and in the wedlock, one male child was born. Due to misunderstanding, the respondents left the matrimonial home and now they are living separately. The petitioner is working in Binding Section with Hindi Prachar Sabha, T.Nagar, Chennai, earning a sum of Rs.25,000/- as salary. The learned Judge, Family Court, considering the fact that the first respondent/wife is earning member, therefore, disallowed the petition against her and she has not challenged the order passed by the Family Court against her. The learned Judge, Family Court, has only awarded a sum of Rs.4,000/- to the second respondent as maintenance. Challenging the order, the husband has come before this Court by way of this revision. Since the petitioner has proved that the first respondent is earning member. Despite having sufficient means, he is neglected to maintain his minor son. However, as a dutiful father, the petitioner has to maintain the second respondent/minor son. This Court does not find any perversity with the order passed by the Family Court and there is no merit in the revision.

6. In the result, this Criminal Revision is dismissed.

7. The petitioner is directed to pay entire arrears amount within a period of two months from the date of receipt of a copy of this order and he further directed to continue to pay the maintenance amount to the second petitioner as directed by the learned Principal Judge, Family Court, Chennai in M.C.No.279 of 2010, dated 27.08.2013, on or before 5th of every English Calender month, without any default.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

rli

To

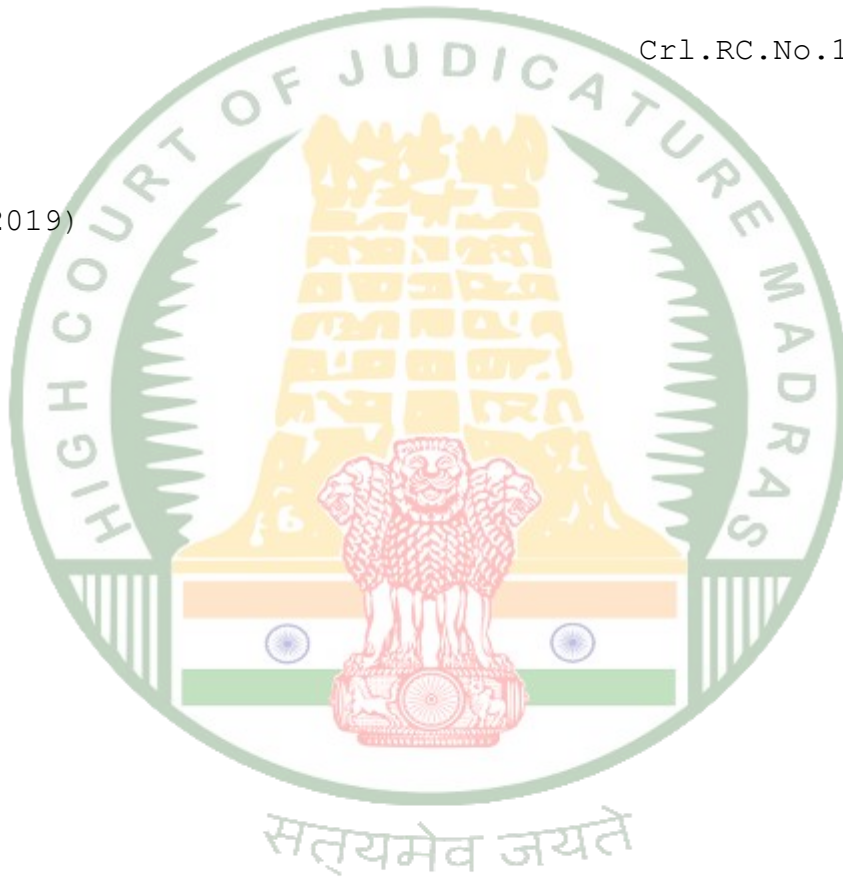
1.The II Additional Judge
Family Court, Chennai

2.The Principal Judge, Family Court, Chennai.

+1 CC to Mr.D.Arunkumar, Advocate sr 71738.

Cr1.RC.No.1526 of 2013

KK(CO)
SP(24/10/2019)



WEB COPY