

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CrI.R.C.No.296 of 2019

and

CrI.M.P.No.3461 of 2019

S.Abdul Rahman

.. Petitioner

Vs.

1. M.Faridha

2. Minor Farhana

rep.by natural guardian and mother M.Faridha

... Respondents

Criminal Revision filed under Sections 397 and 401 Cr.P.C., praying to call for the records in M.C.No.13 of 2018 on the file of the Family Court, Namakkal District and set aside the order dated 21.01.2019.

For Petitioner : Mr.S.Senthil

O R D E R

This Criminal Revision has been filed to set aside the order dated 21.01.2019 passed in MC.No.13 of 2018 on the file of the learned Family Court Judge, Namakkal.

2. The Revision petitioner is the husband, the first respondent is the wife and the second respondent is the minor daughter. The marriage between the petitioner and the first respondent took place on 15.07.2012. After that, due to some matrimonial dispute, the first respondent left the matrimonial home. Admittedly, the respondents are not residing with the revision petitioner. The first respondent herein/wife filed a petition in MC.No.13 of 2018 before the Family Court, Namakkal for maintenance against the revision petitioner/husband. Though the Revision Petitioner/husband has sufficient means, he neglected to maintain his wife and child. The Family Court, Namakkal, after considering the facts, awarded Rs.3,000/- to the first respondent herein/wife and Rs.4,000/- to the second respondent herein/minor child towards maintenance, against which, the petitioner/husband has filed the present revision.

3. Heard the learned counsel for the petitioner and also perused the impugned order.

4. The learned counsel for the petitioner would submit that the petitioner is earning only Rs.15,000/- and out of the said income, he has to maintain his old age mother and father. Out of the earning of Rs.15,000/-, paying the maintenance of Rs.7,000/- and running his family is very difficult and hence, he prays for reduction of maintenance amount. He would further submit that the first respondent is running a beauty parlour and earning Rs.15,000/- per month.

5. Admittedly, there is no documentary evidence and any evidence of customers, who is going to beauty parlour and the petitioner has also not established that the respondents are able to maintain themselves.

6. Admittedly, the relationship between the petitioner and the first respondent is not in dispute and the paternity of the child is also not in dispute. As per the records, the petitioner is earning Rs.15,000/- per month as admitted by the petitioner before the learned Magistrate. The Family Court, Namakkal awarded a sum of Rs.3,000/- per month to the first respondent/wife and Rs.4,000/- per month to the second respondent/minor child. Considering the cost of living and inflation in the price on day to day, the award amount is not excessive. The respondents also cannot run their family below the amount awarded as they may have incidental expenses, medical expenses and other expenses. This Court does not find any merit in this revision and therefore, there is no reason to interfere with the order passed by the trial Court.

6. This Criminal Revision Case shall stand dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kmi

To

1. The Judge,
Family Court, Namakkal.

+1cc to Mr.S.Senthil, Advocate, S.R.No. 22807

Cr1.R.C.No.296 of 2019

PA(CO)

CS/01/04/2019