

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.356 of 2019

E.Thiagarajan

...Petitioner/Respondent

versus

1. B.Priyadarshini
2. T.Mithun Adhitya (Minor)
3. T.Sanjana (Minor) ...Respondent/ Petitioner

Prayer: Criminal Revision Petition filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order passed by the learned I Additional Family Court, Chennai in M.C.No.232 of 2017 dated 13.11.2018.

For Petitioner : Mr.S.Vinothkumar

For Respondents : Mr.R.Annamalai

O R D E R

This Criminal Revision is filed to set aside the order passed by the learned I Additional Family Court, Chennai in M.C.No.232 of 2017 dated 13.11.2018.

2. The revision petitioner is husband and the first respondent is wife and the second and third respondents are children. The marriage between the petitioner and the first respondent was solemnized on 24.08.2009 as per the Hindu Rites and Customs. After the marriage, both of them were living together in a Matrimonial Home. Due to the difference of opinion, now the petitioner and the respondents were living separately.

3. The respondents have filed a petition in M.C.No.232 of 2017 before the I Additional Family Court, Chennai under Section 125 Cr.P.C., for maintenance. After hearing the matter elaborately, the learned Judge allowed the petition and awarded a sum of Rs.4,000/- per month to the first respondent and Rs.4200/- per month each to the second and third respondent towards maintenance. Challenging the order passed by the learned

I Additional Principlal Judge, Chennai, the petitioner/husband has filed the present revision before this Court.

4. The learned counsel for the petitioner would submit that the first respondent left the matrimonial home without any valid reason and the petitioner is always ready to re-union with his wife and also

take care of the children and he tried to settle the issue. Hence, the learned counsel prays to set aside the order passed by the Court below.

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

6. It could be seen from the order passed by the learned Session Judge that monthly salary of the petitioner is Rs.25,000/- despite having sufficient means, he refused to maintain his wife and children. The respondents have no sufficient means to maintain themselves.

7. Considering the cost of living prevailing as on date, being a lady, the first respondent cannot take care of her children within the limited amount. Hence, the learned Additional Judge awarded the monthly maintenance of Rs.12,400/- is not an exorbitant.

8. Under the said circumstances, this Criminal Revision Case is dismissed. The petitioner is directed to continue to pay the monthly maintenance as ordered by the learned I Additional Sessions Judge, Chennai, regularly without any default.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rli
To

The I Additional Family Judge, Chennai

+1cc to Mr.S.Vinothkumar, Advocate SR.No.34586

+1cc to Mr.R.Annamalai, Advocate SR.No.34557

Cr1.R.C.No.356 of 2019

MR(CO)
GMY(28/01/2020)