

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.393 of 2019

and

CrI.M.P.No.6115 of 2019

G.David Vijay Sathish

...Petitioner

Vs

1. N.Angelyn Gayathri

2. Sharon

rep. by her mother and natural guardian

...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.16 of 2018, dated 15.02.2019 of the learned Family Judge, Cuddalore.

For Petitioner : Mr.Balasubramaniam

O R D E R

This Criminal Revision has been filed to set aside the order passed in M.C.No.16 of 2018, dated 15.02.2019 on the file of the learned Family Judge, Cuddalore.

2. The petitioner is the husband and the first respondent is the wife and the second respondent is the child. The marriage between the petitioner and first respondent was performed on 27.08.2004. Due to difference of opinion, they were living separately.

3. The respondent filed a petition under Section 125 Cr.P.C. before the Family Court, Cuddalore praying interim maintenance, which was taken on file in M.C.No.16 of 2018. The Family Court, after adverting to the materials placed on record and after hearing both the parties, directed the petitioner to pay a sum of Rs.10,000/- per month to the first respondent and Rs.15,000/- per month to the second respondent as maintenance and also to pay a sum of Rs.25,000/- per annum to the respondents for medical expenses. As against the same, the revision petitioner/husband has filed this present revision before this Court.

4. The learned counsel for the petitioner would submit that the petitioner is ready and willing to live with the respondents but the same is refused by the first respondent. The learned counsel contended that the first respondent is working in a private company and she is having sufficient means to maintain herself and the child. Now the petitioner is earning only a sum of Rs.5,000/- per month which was very meager. Therefore, the learned counsel prays to allow this petition.

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

6. Considering the above submissions made by the learned counsel for the petitioner and on perusal of the records, it is seen that there is no dispute regarding the relationship of the parties and that they are living separately. The petitioner has stated that the first respondent left the matrimonial home without any valid reason. But he has not tried to bring back his wife and daughter to the matrimonial home. It shows that the petitioner, despite having sufficient means, neglected to maintain his wife and child. Therefore, they are entitled to seek maintenance. The first respondent and her child are unable to maintain themselves. On a perusal of records, it is seen that the petitioner is working in a private company and getting salary of Rs.1,20,000/- per month.

7. Considering the prevailing cost of living as on date and for medical treatment of the child, this Court feels that the award of Rs.10,000/- and Rs.15,000/- per month to the first and second respondents, is not an excess amount. On a reading of the entire materials and the order passed by the learned Family Court, this Court does not find any perversity in the order and finds no merit in this revision. Hence, the revision is liable to be dismissed and accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is also closed.

8. The petitioner shall continue to pay the monthly maintenance amount passed by the learned Family Court, Cuddalore in M.C.No.16 of 2018, dated 15.02.2019 without any default.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

rli

To

The Judge,
Family Court, Cuddalore

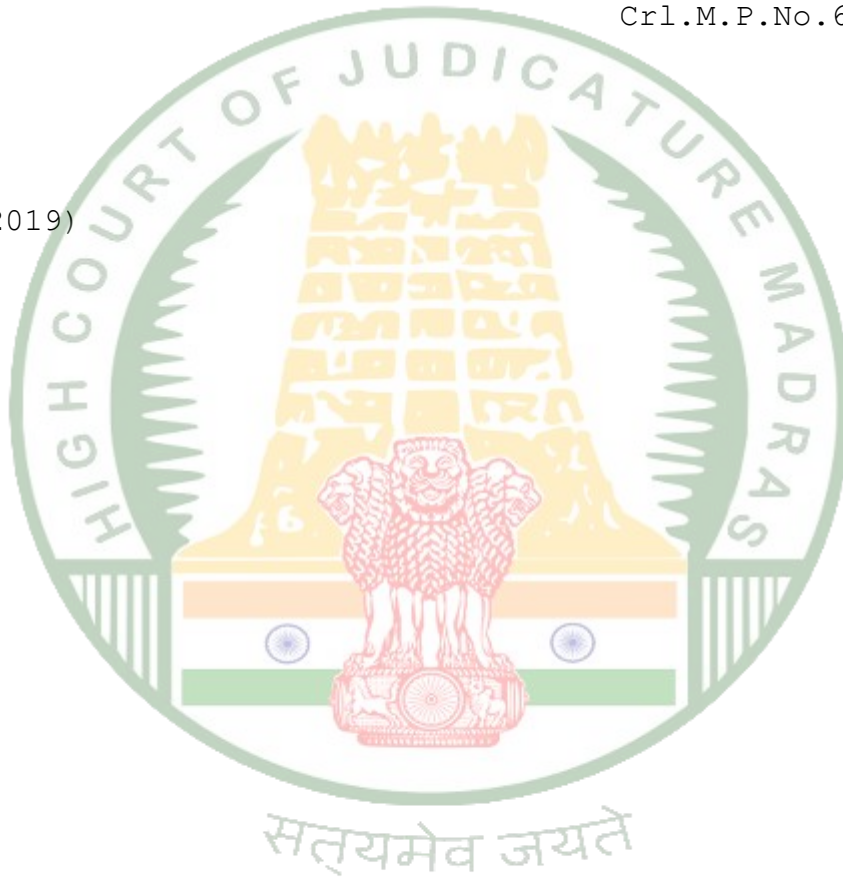
+1 CC to Mr.S. Balasubramaniam, Advocate sr 41828.

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and

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RSI (CO)
SP (09/12/2019)



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