

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.706 of 2019
and Crl.M.P.No.9866 of 2019

P.Manoj .. Petitioner/Respondent

Vs.

Ramya ... Respondent/Petitioner

Criminal Revision filed under Section 397 r/w 401 Cr.P.C.,
to set aside the judgment and order dated 27.04.2019 passed in
F.C.M.C.No.74 of 2017 on the file of the Family Court, Vellore.

For Petitioner : Ms.R.Thulasi

O R D E R

This petition has been filed seeking to set aside the
judgment and order dated 27.04.2019 passed in F.C.M.C.No.74 of
2017 on the file of the Family Court, Vellore.

2. For the sake of convenience, the parties will be
referred to by their name.

3. The facts of the case in a nutshell is as under:

3.1 Manoj got married to Ramya on 23.06.2016 and
thereafter, they got estranged. Ramya filed F.C.M.C.No.74 of
2017 before the Family Court, Vellore, under Section 125
Cr.P.C., claiming maintenance of Rs.20,000/- per month from
Manoj. Manoj entered appearance and contested the case.

3.2 Ramya examined herself as PW1 and marked Exs-P1 to P5.
Manoj examined himself as RW1 and Parasuraman (RW2). No document
was marked on behalf of Manoj.

3.3 After considering the evidence on record and hearing
either side, the Trial Court has awarded a maintenance of
Rs.4,000/- per month, payable by Manoj to Ramya, from the date
of filing of the petition, challenging which, Manoj is before
this Court.

4. Heard Ms.R.Thulasi, learned counsel for Manoj, who, submitted that Manoj is a poor coole and he does not have any means to pay the awarded maintenance amount. He also submitted that Manoj has got his parents to take care of.

5. This Court gave its anxious consideration to the submissions made by the learned counsel for Manoj.

6. At the outset, it is pertinent to point out that a three Judge Bench of the Supreme Court, in Girish Kumar Suneja Vs CBI¹, has delineated the revisional jurisdiction as under:

"27. Our conclusion on this subject is that while the appellants might have an entitlement (not a right) to file a revision petition in the High Court but that entitlement can be taken away and in any event, the High Court is under no obligation to entertain a revision petition - such a petition can be rejected at the threshold. If the High Court is inclined to accept the revision petition it can do so only against a final order or an intermediate order, namely, an order which if set aside would result in the culmination of the proceedings. As we see it, there appear to be only two such eventualities of a revisable order and in any case only one such eventuality is before us. Consequently the result of paragraph 10 of the order passed by this Court is that the entitlement of the appellants to file a revision petition in the High Court is taken away and thereby the High Court is deprived of exercising its extraordinary discretionary power available under Section 397 of the Cr.P.C."

7. In this case, the Trial Court has appreciated the evidence adduced by both the parties and has fixed a reasonable amount of Rs.4,000/- per month as maintenance, which, in the opinion of this Court, cannot be said to be excessive.

In the result, this revision petition is dismissed as being devoid of merits. Connected Crl.M.P. is closed.

-s/d-

Assistant Registrar(CCC)

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Sub-Assistant Registrar

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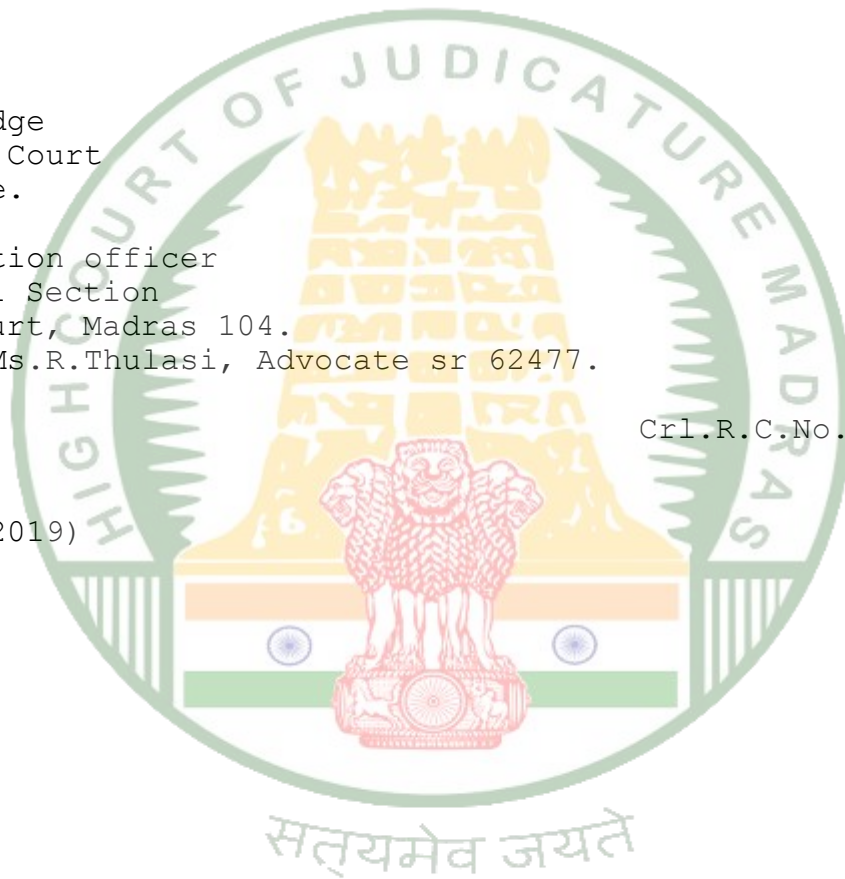
1. The Judge
Family Court
Vellore.

2.The Section officer
Criminal Section
High Court, Madras 104.

+1 CC to Ms.R.Thulasi, Advocate sr 62477.

Crl.R.C.No.706 of 2019

NRJK(CO)
SP(29/08/2019)



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