

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.749 of 2019
and Crl.M.P.No.10541 of 2019

Manikanda Prabhu

.. Petitioner/Respondent

Vs

1.Kalaiselvi @ Ramya

2.Minor Rathip Sourav

3.Minor Swasthika

Respondents 2 and 3 are minor
representing by their mother

1st respondent

.. Respondents/Petitioners

Criminal revision preferred under Section 397 and Section 401 Cr.P.C. to set aside the judgment dated 03.06.2019 passed in M.C.No.48 of 2018 by the Chief Judicial Magistrate, Namakkal directing the petitioner herein to pay a sum of Rs.8,000/- towards maintenance for every calendar months to the respondents against the revision petitioner under 125 Cr.P.C.

For Petitioner : Mr.T.Dharmarajan

For Respondents : Mr.B.Vasudevan

O R D E R

This Criminal Revision has been preferred to set aside the judgment and order dated 03.06.2019 passed by the Chief Judicial Magistrate, Namakkal in M.C.No.48 of 2018.

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

3. Manikanda Prabhu got married to Kalaiselvi @ Ramya on 01.02.2009 and they have a son Sourav and a daughter Swasthika through the wedlock. On account of matrimonial discord, the spouses got estranged. Alleging that Manikanda Prabhu had failed and neglected to maintain Kalaiselvi, she filed M.C.No.70 of 2017 before the Chief Judicial Magistrate, Namakkal under

Section 125 Cr.P.C. During the pendency of the petition, Family Court was established in Namakkal and therefore, M.C.No.70 of 2017 was transferred to the Family Court, Namakkal and renumbered as M.C.No.48 of 2018. Manikanda Prabhu entered appearance and contested the claim. Kalaiselvi examined herself as P.W.1. She also examined Sumathi (P.W.2) and Chellammal (P.W.3) as her witnesses. She marked Ex.P1 to Ex.P12. Manikanda Prabhu examined himself as D.W.1. and marked Ex.D1 and Ex.D2. After considering the evidence on record, the Family Court, Namakkal, by judgment and order dated 03.06.2019, has directed Manikanda Prabhu to pay Rs.2,000/- per month as maintenance to Kalaiselvi and Rs.3,000/- per month to each child, totalling Rs.8,000/- per month. Challenging the said judgment and order, Manikanda Prabhu has filed the present revision petition under Sections 397 and 401 Cr.P.C.

4. Heard Mr.T.Dharmarajan, learned counsel for Manikanda Prabhu and Mr.B.Vasudevan, learned counsel for Kalaiselvi.

5. Learned counsel submitted that Manikanda Prabhu does not have any employment and that, he is doing some odd jobs and earning around Rs.4,000/- per month and therefore, a sum of Rs.8,000/- ordered by the trial Court as maintenance is excessive.

6. Per contra, learned counsel for Kalaiselvi submitted that Manikanda Prabhu holds a Post Graduate degree in Engineering (M.E.) and also has a Ph.D. Even in the marriage invitation card, the educational qualification of Manikanda Prabhu has been printed and it is shown that he is working as a lecturer in REC, Chennai.

7. The trial Court has taken all these factors into consideration, while fixing the maintenance amount. In the opinion of this Court, there is no perversity or illegality in the judgment and order passed by the Family Court warranting interference.

In the result, this revision petition is dismissed being devoid of merits. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gya

To

1.The Chief Judicial Magistrate,
Namakkal.

+1cc to Mr.B.Vasudevan, Advocate SR.74013

+1cc to Mr.T.Dharmarajan, Advocate SR.73750

CRL.R.C.No.749 of 2019

VGII (CO)

CB(22/10/2019)