

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

Crl.Rc.No.1321 of 2018
and
Crl.M.P.No.15557 of 2018

Mr.P.T.Glady Vimal Jain

... Petitioner

Vs

1.N.Merlin

2.G.Cathelin Glady

... Respondents

PRAYER: Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C, may be pleased to set aside the order imposed in Judgment dated 20th day of September 2018 made in M.C.No.32/2015 on the file of the learned Judicial Magistrate, Alandur by allowing the Criminal Revision Petitioner.

For Petitioner : Mr.S.Asirmathuram

For Respondents : Mr.M.Prema Sudha

ORDER

This petition has been filed by the petitioner seeking to set aside the order imposed in the Judgment dated 20th day of September 2018 in M.C.No.32 of 2015, on the file of the learned Judicial Magistrate, Alandur.

2. The petitioner is husband, first respondent is the wife and the second respondent is the minor child. The respondent filed a petition under section 125 of Cr.P.C. for maintenance in M.C.No.32 of 2015 before the learned Judicial Magistrate, Alandur.

3. After enquiry, the learned Magistrate has found that the first respondent is not entitled to get maintenance and dismissed against the first respondent/wife. The wife has not challenged the order passed by the Magistrate. The petitioner/husband has filed a revision against the order of the learned Magistrate awarding maintenance amount of Rs.8,000/- (Eight Thousand only) per month to the second respondent. Admittedly, the paternity of the child is not in dispute.

4. The learned counsel for the petitioner would submit that revision petitioner is jobless and he does not have any means to maintain his child. Therefore, the order passed by the learned Magistrate may be set aside or atleast the quantum of the amount may be reduced.

5. The learned counsel for the respondents would submit that the petitioner has obtained master degree in physical education and is working in Sun Engineering College, Nagercoil. Admittedly, no

documents has been produced. Though the respondent has stated that the petitioner is working in Sun Engineering College which the petitioner has not denied, no proof of documents were obtained from the said college. Since the paternity of the child is not disputed and the second respondent is minor unable to maintain herself, the petitioner/father is liable to maintain the child till she attains the age of majority. Since the child is female, as a dutiful father, is liable to maintain till her marriage. Considering the cost of living prevailing as on date, this Court feels that the award of Rs.8,000/- passed by the learned Judge to the second respondent/minor child is not an unreasonable amount.

6. Admittedly, the petitioner has not filed any disability stating that he is not capable of earning and also he has not denied his educational qualification. Therefore, this Court finds that as a dutiful father for the female child, till her marriage, he is liable to maintain the child. On a reading of the entire materials and the order passed by the learned Magistrate, this Court does not find any perversity in the order and there is no merit in the revision. The revision is liable to be dismissed and accordingly, this Criminal Revision is dismissed. Consequently, connected miscellaneous petition is also closed.

7. However, the petitioner is directed to deposit the entire arrears

amount within a period of three months from the date of receipt of a copy of this order and the petitioner shall continue to pay the maintenance amount passed by the learned Judicial Magistrate, Alandur in M.C.No.32/2015, dated 20.09.2018, without any default.

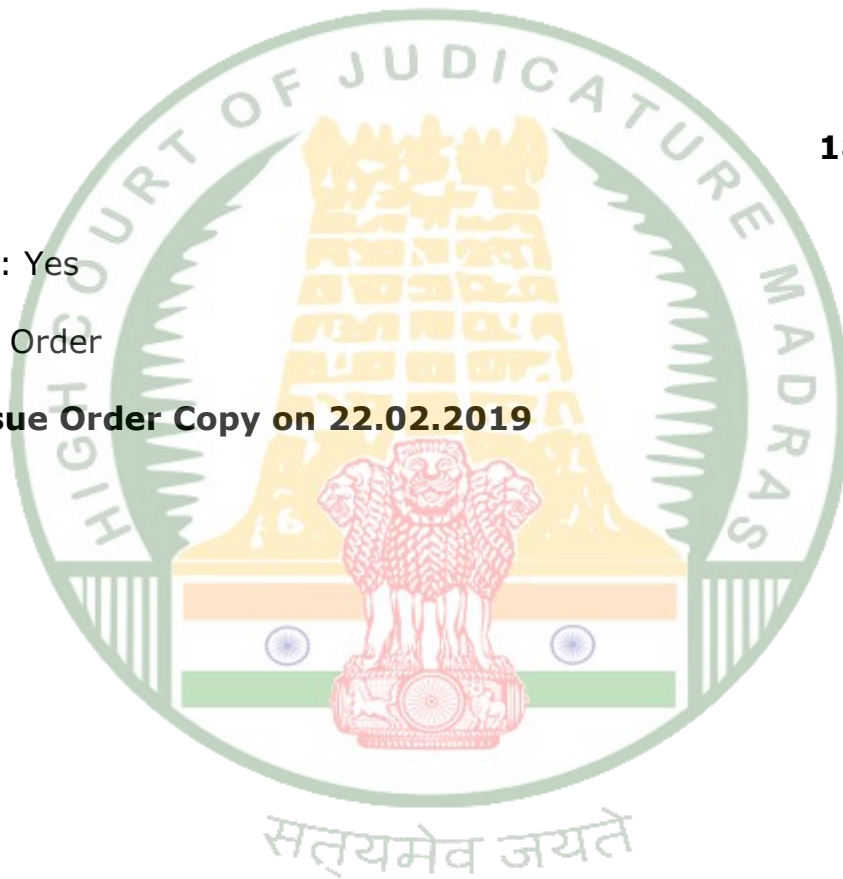
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Speaking Order

Note: Issue Order Copy on 22.02.2019

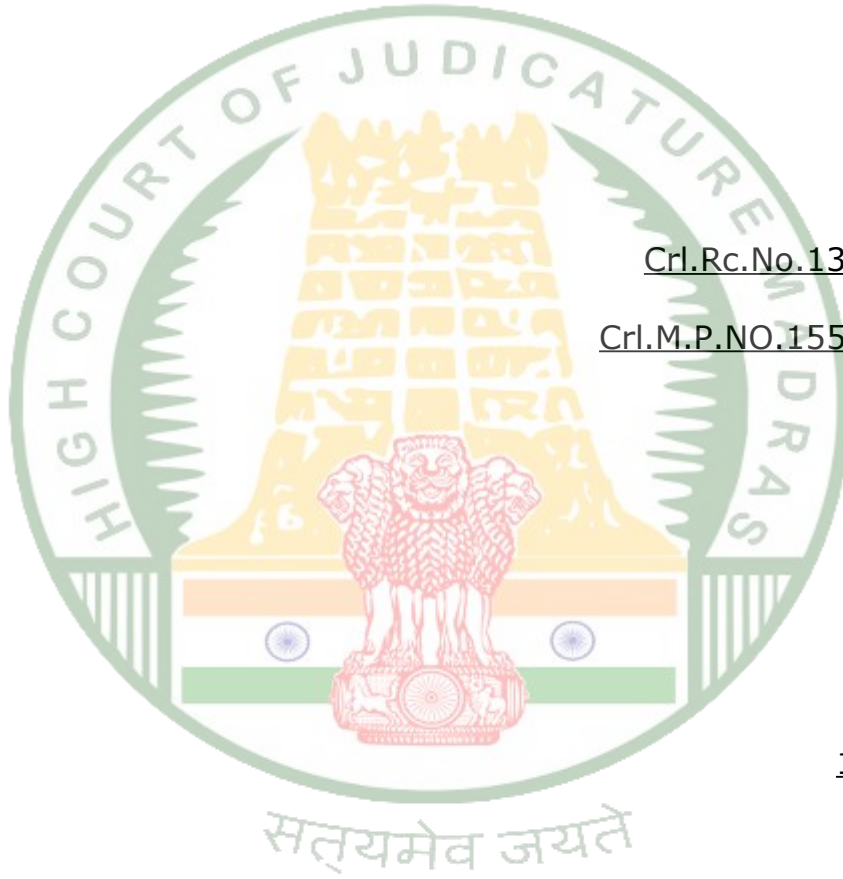
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P.VELMURUGAN,J.

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