

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1392 of 2018
and
Crl.M.P.No.16175 of 2018

Murugan

... Petitioner

Vs

1.Jayasudha

2.Gayathri (Minor)

3.Haripriya (Minor)

... Respondents

(Respondent 2 and 3 are rep by their
Mother Jayasudha)

PRAYER: Criminal Revision case filed under Article 397 r/w 401 of Criminal Procedure Code to set aside the order passed by the Family Court, Villupuram in M.C.No.40 of 2016 dated 25.06.2018 by allowing this Criminal Revision case.

For Petitioner : Mr.R.Aarun Dattan

For Respondents : Mrs.A.Rajeswari Karthikeyan

O R D E R

This Criminal Revision case has been filed to set aside the order passed by the Family Court, Villupuram in M.C.No.40 of 2016 dated 25.06.2018.

2. The petitioner is the husband and the 1st respondent is the wife. The marriage between the petitioner and the 1st respondent was solemnized on 24.03.2008 at Villupuram, as per the Hindu Rites and Customs. After the marriage, both of them lived together in a Matrimonial Home. They gave birth to two female children. Due to the difference of opinion the 1st respondent left the Matrimonial home along with her minor children.

3. Subsequent to that, the 1st respondent filed a petition before the Family Court, Villupuram, under Section 125 Cr.P.C., in M.C.No.40 of 2016 for maintenance. After hearing the matter elaborately the learned Family Court Judge, Villupuram, partly allowed the petition and awarded a sum of Rs.5,000/- per month for the 1st respondent and Rs.2,000/- each per month for the 2nd and 3rd respondents. As against the said order passed by the learned Family Court Judge, Villupuram, the petitioner herein filed a present Revision case.

4. The learned counsel for the petitioner would submit that the Family Court Villupuram awarded a sum of Rs.5000/- per month to the 1st respondent and Rs.2,000/- each per month to the 2nd and 3rd respondents which is very exorbitant . So he prays to allow this Revision Case.

5. The learned counsel appearing on behalf of the respondents would submit that, the Family Court, Villupuram, failed to consider the agricultural and other income of the petitioner, apart from his monthly salary derived from his job. The petitioner herein working in Tamilnadu Electricity Board as assessor and earning more than Rs.30,000/- per month. The learned Counsel would further submit that the 1st respondent is now living in a rental house, the 2nd and 3rd respondents are 9 and 7 years old and they are going to school. The respondents are suffering a lot for their day to day expenses like educational, transport, medical and for food and clothing etc., The 1st respondent is literally starving to maintain the 2nd and 3rd respondents and finding it difficult to pay their educational expenses. Hence, the maintenance amount of Rs.5,000/- per month for the 1st respondent and Rs.2,000/- each per month for the 2nd and 3rd respondents is not sufficient. Hence, he prays for dismissal of this Revision case.

6. Heard, both sides. Perused the records.

7. Considering the facts and circumstances of the case, this Court finds the maintenance amount awarded by the learned Family Court Judge, Villupuram, is very meagre. As a husband, he is having a duty to maintain his wife and as a father he has the responsibility to maintain his children. Hence, the maintenance amount of Rs.5,000/- per month for the 1st respondent and Rs.2,000/- each per month for the 2nd and 3rd respondents is not sufficient. Since the petitioner has sufficient means and neglects to maintain his wife and children unable to maintain themselves, there is no reason to interfere with the order passed by the Family Court. Accordingly, this Criminal Revision

is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

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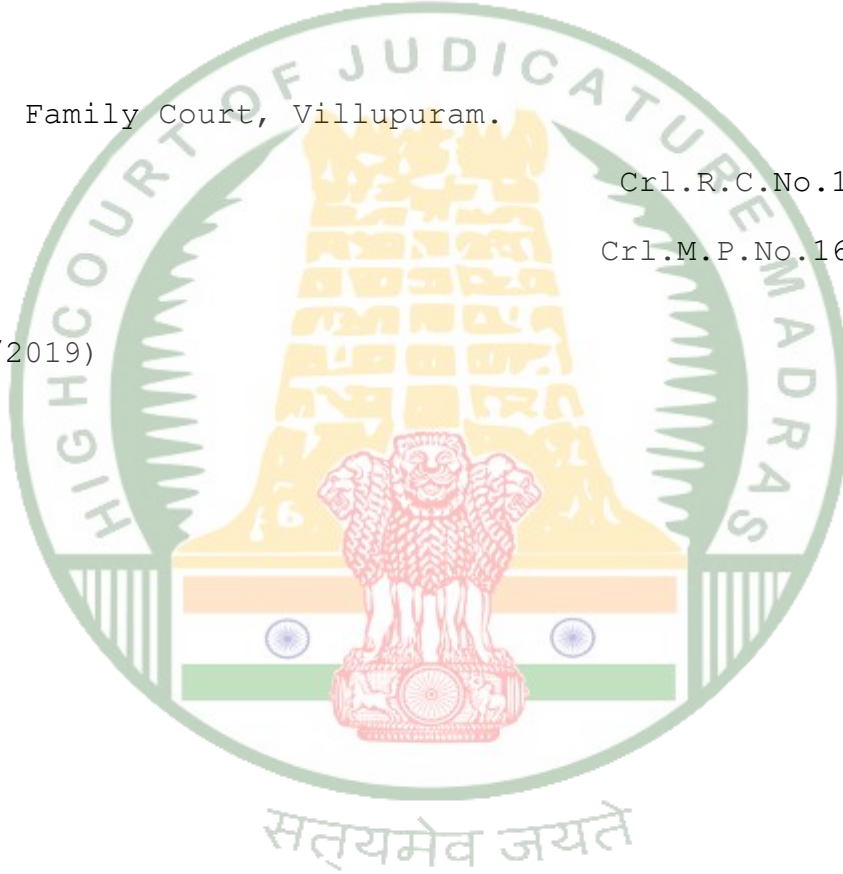
Sub Assistant Registrar

sbn/vkr

To
The Judge, Family Court, Villupuram.

Crl.R.C.No.1392 of 2018
and
Crl.M.P.No.16175 of 2018

SS (CO)
GMY (10/05/2019)



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