

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CRL. M.P.No.17365 of 2018

in

CrI.RC.SR.No.58029 of 2018

S.Santhana selva kumar

...Petitioner

Vs.

1. K.Maheswari Devi

2. S.Shree Harini (Minor)

...Respondents

Prayer in CRL. M.P.No.17365 of 2018: The Miscellaneous Petition filed under Section 5 of Limitation Act, to condone the delay of 75 days in preferring the Criminal Revision against the order dated 14.03.2018 in M.C.No.66 of 2012 passed by the learned V Additional Family Court, Chennai.

Prayer in CRL.RC.SR.No.58029 of 2018: The Criminal Revision filed under Section 397 read with Section 401 of Cr.P.C., to set aside the order dated 14.03.2018 in M.C.No.66 of 2012 on the file of the learned V Additional Family Court, Chennai.

For Petitioner : Mr.R.Thangamani - No appearance

For Respondent : Mr.K.Rajendran - No appearance

ORDER

This Criminal Miscellaneous Petition is filed by the petitioner seeking to condone the delay of 75 days in preferring the Criminal Revision against the order dated 14.03.2018 in M.C.No.66 of 2012 passed by the learned V Additional Family Court, Chennai.

2. The petitioner is husband and the first respondent is wife and the second respondent is minor daughter of them. Due to misunderstanding arose between the petitioner and the first respondent, they are living separately. The first respondent filed a case under Section 125 Cr.P.C., before the learned V Additional Family Court, Chennai for getting maintenance. After hearing both sides, the learned Judge awarded a sum of Rs.3,000/- per month to first respondent and Rs.2,000/- per month to the second respondent towards maintenance. Against the order of the learned V Additional Family Court, Chennai in M.C.No.66 of 2012, the petitioner has preferred this petition with a delay of 75 days in filing this revision before this Court.

3. Today when the matter is taken up for hearing, there is no representation on behalf of the petitioner as well as the respondents.

4. On a perusal of the records, it is seen that the revision petitioner is running a cell phone service shop and he is earning a sum of

Rs.20,000/- per month and he has sufficient means to maintain his wife and daughter. The first respondent/wife is not able to maintain herself and also her daughter. Therefore, the learned Judge awarded to pay a sum of Rs.3000/- per month to the first respondent and Rs.2,000/- per month to the second respondent payable by the petitioner. This Court being not satisfied with the reason stated in the affidavit to condone the delay and finds no valid reason to interfere with the order of the trial Court and there is no perversity in the order passed by the learned Magistrate in awarding the maintenance. Hence, this Court is not inclined to condone the delay in filing the Criminal Revision.

5. In the result, this Miscellaneous Petition is dismissed and the Criminal Revision in Crl.RC.No.SR.58029 of 2019 is rejected at the SR stage itself. Further, the petitioner is directed to deposit the entire arrears of maintenance amount within a period of three months from the date of receipt of a copy of this order and also the petitioner shall continue to pay the monthly maintenance to the respondents as ordered by the learned V Additional Family Court, Chennai in M.C.No.66 of 2012 dated 14.03.2018.

25.02.2019

Index: Yes/no
Speaking Order: Yes/no

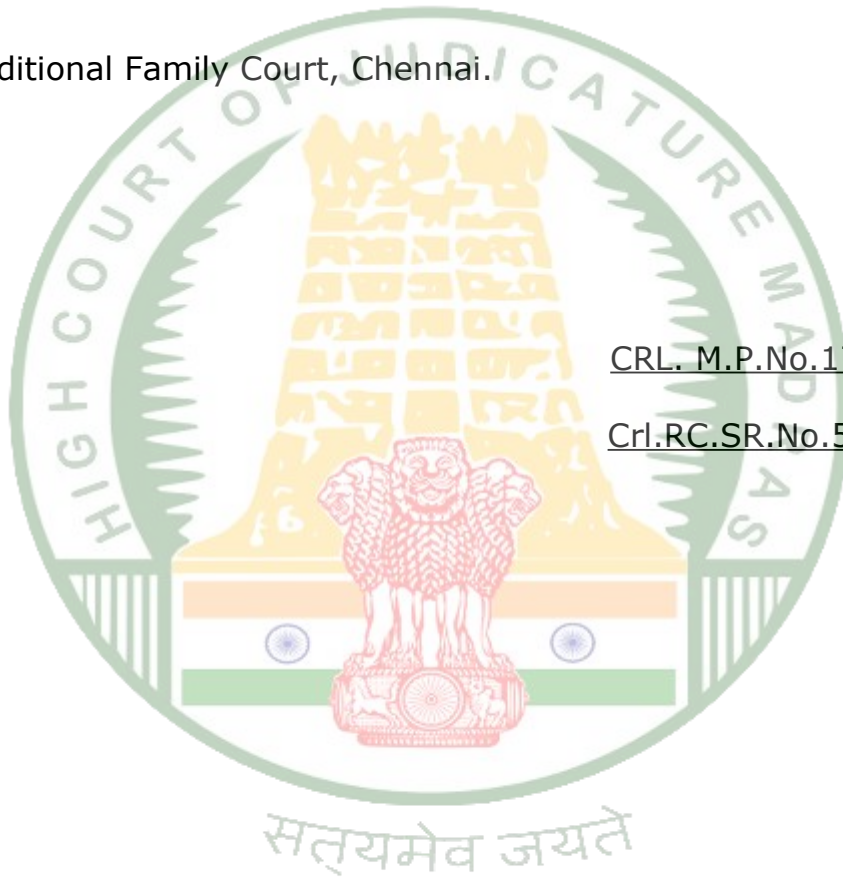
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P.VELMURUGAN,J.

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To

The V Additional Family Court, Chennai.



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Crl.RC.SR.No.58029 of 2018

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