

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

CrI.R.C.No.175 of 2018 and
CrI.M.P.No.1515 of 2018

Amose Robert ..Petitioner/Respondent
Vs

1.Sathyapriya Roopavathi
2.Minor Abraham Arul Praizer
3.Minor Evanglin Prizey ..Respondents/Petitioners
(The minor respondents 2 and 3 are rep. by
their mother/guardian, 1st respondent)

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the order and decreetal order dated 14.10.2017 in C.M.P.No.175 of 2017 in M.C.No.10 of 2015 by the learned Principal Judge, Family Court, Coimbatore.

For Petitioner :Mr.N.Seshadri

For Respondents :Mr.Ma.P.Thangavel

ORDER

The order dated 14.10.2017 passed by the learned Principal Judge, Family Court, Coimbatore, in C.M.P.No.175 of 2017 in M.C.No.10 of 2015, fixing the interim maintenance at Rs.6,000/- per month in favour of the respondents/wife and children (Rs.2,000/- each), is under challenge, at the instance of the petitioner / husband, by way of the present Criminal Revision Case.

2.By order dated 07.02.2018, this Court, while admitting this Criminal revision, has granted an order of interim stay on condition that the petitioner shall deposit the arrears of maintenance amount from 21.07.2017 till date, as ordered by the Court below to the credit of M.C.No.10 of 2015, on the file of the learned Principal Judge, Family Court, Coimbatore, within a period of two weeks from the date of receipt of a copy of the order.

3. When the matter was called today, the learned Counsel for the respondents submitted that the order passed by this Court dated 07.02.2018 has not been complied with by the petitioner.

4. On the other hand, the learned counsel for the petitioner submitted that the petitioner is a casual labourer and doing a job of painter under building contractor and hence, he is unable to comply with the condition imposed on him. He further submitted that the first respondent/wife is working in a garment factory and is getting Rs.30,000/- per month and hence, she is disentitled to claim interim maintenance.

5. Heard the rival submissions and perused the materials placed before this Court.

6. The object of Section 125 Cr.P.C is to compel a man to perform the moral obligation, which he owes to the society in respect of his wife and children and father and mother unable to maintain themselves so that they are not left beggared and destituted on the scrap heaps of the society and thereby driven to a life of vagrancy, immorality and crime, for their subsistence. In this general jurisdiction, a broader perception and appreciation of facts and their bearing must govern the verdict not chopping little logic or tinkering with burden of proof.

7. In the present case, the Family Court, after hearing both sides and upon perusal of the materials available on record, has awarded a reasonable sum of Rs.2,000/- each to the respondents towards interim maintenance, which shall be payable by the petitioner/husband on or before 10th of every English Calendar month, besides granting Rs.5,000/- as one time payment towards litigation expenses.

8. Though the learned counsel for the petitioner contended that the petitioner / husband is getting a meagre sum, whereas the first respondent / wife is employed and is earning sufficiently well to maintain not only herself, but also her children, the same does not inspire the confidence of this Court, as the petitioner / husband is under a moral obligation to maintain the respondents / wife and children and cannot disown liability or decline to perform the obligation by refusing to maintain them. As such, the defiance on the part of the petitioner / husband as regards the non-compliance of the order of this Court, cannot be countenanced. Hence, the petitioner is not entitled to get any relief in this petition.

9. Accordingly, this Criminal Revision is dismissed. The interim order granted by this Court on 07.02.2018 shall stand vacated and the Miscellaneous Petition is closed. The learned

Principal Judge, Family Court, Coimbatore, is directed to dispose of the case in M.C.No.10/2015, pending on his file, on merits and in accordance with law, after affording due opportunity to both the parties, within a period of three months from the date of receipt of a copy of this order. In the meantime, the respondents are permitted to take steps to recover the arrears of maintenance from the petitioner, in accordance with law.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

tsi

To

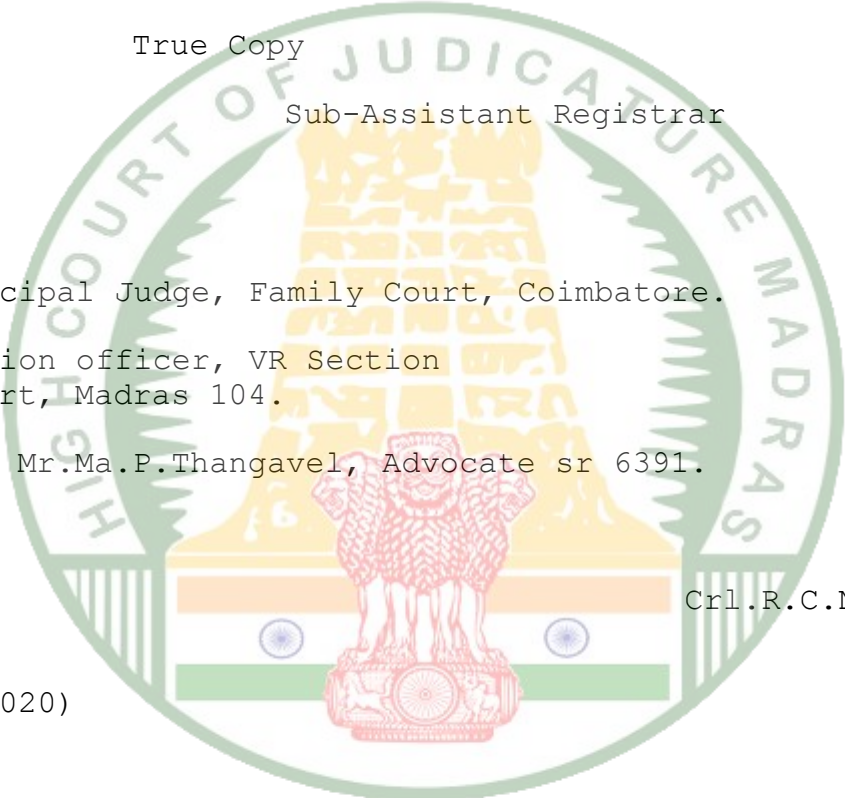
1.The Principal Judge, Family Court, Coimbatore.

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

+1 CC to Mr.Ma.P.Thangavel, Advocate sr 6391.

Crl.R.C.No.175/2018

BR(CO)
SP(02/03/2020)



सत्यमेव जयते

WEB COPY