

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.275 of 2018
and
Crl.MP.No.3123 of 2018

E.S.Navin Kumar .. Petitioner

Vs

Minor Rithika
rep. by her Guardian Mother
Preetha .. Respondent

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the order dated 04.12.2017 made in F.C.M.C.No.59/2014 on the file of the Family Court Judge, Vellore, Vellore District.

For Petitioner : No appearance

For Respondent : Mr.E.Kannadasan

ORDER

There is no representation for the petitioner either in person or through his learned counsel on the previous hearing i.e., on 28.01.2020 as well as today's hearing. However, considering the nature of the issue involved herein, this Court is inclined to dispose of this matter, on merits.

2.The order dated 04.12.2017 passed by the learned Judge, Family Court, Vellore, in F.C.M.C.No.59 of 2014, fixing the monthly maintenance at Rs.6,000/- in favour of the respondent/minor daughter, is under challenge, at the instance of the petitioner / father, by way of the present Criminal Revision Case.

3.By order dated 01.03.2018, 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 at the rate of Rs.5,000/- per month from the date of filing of the maintenance petition to the credit of F.C.M.C.No.59 of 2014, on the file of the learned Judge, Family Court, Vellore, within a period of three weeks.

4.The petitioner stated in the affidavit filed in support of this Criminal Revision that the mother of the respondent is getting Rs.35,000/- per month by working in the Government School as a teacher and is having own house, however, she filed the maintenance case only to extract money from the petitioner. On the other hand, the petitioner is earning Rs.22,000/-, by which, he is unable to maintain his aged parents and meet out his medical expenses.

5.The learned counsel for the respondent submitted that the petitioner / father is under a moral obligation, bound to maintain the respondent/ daughter and he cannot wriggle out of the said responsibility, citing his financial inability. He further submitted that the petitioner has not complied with the interim order of this Court dated 01.03.2018, till date.

6.This Court considered the submissions made by the learned counsel for the respondent and perused the materials placed before this Court.

7.By the order impugned herein, the Family Court has directed the petitioner to pay monthly maintenance of Rs.6,000/- to the respondent. The said order was not complied with. The reasons offered for the same are that the petitioner is getting a meagre salary and the mother of the respondent is employed. These are the grounds urged before and rejected by the Family Court. Also, it is not the case as if the petitioner has made payment of a portion of the maintenance amount due to the respondent and is willing to pay the balance in a reasonable time. It is a blunt refusal to make any payment whatsoever to the respondent / minor daughter. This conduct of the petitioner in making no attempt whatsoever to comply with this Court's direction is unacceptable and should dis-entitle the petitioner to get any relief.

8.Taking note of the facts and circumstances of the case, the award of Rs.6,000/- granted to the respondent towards monthly maintenance to be paid by the petitioner, seems to be very reasonable and hence, the same warrants no interference in the hands of this Court.

9.In such view of the matter, this Criminal Revision deserves to be dismissed and is accordingly, dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

To

The Family Court, Vellore, Vellore District.

+1cc to Mr.E.Kannadasan, Advocate SR.No.10585

Cr1.R.C.No.275 of 2018

AK (CO)
GMY (20/03/2020)



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