

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.1568 of 2016

P.Saravanan @ Saravana Kumar ... Petitioner/Respondent

Vs.

1.S.Esaivani @ S.Isaivani

2.Nirmala Devi (Minor)

Rep. by her mother and natural
Guardian - 1st respondent)

... Respondents/Petitioners

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. against the order dated 04.11.2016 passed by the II Additional Family Court, Chennai in M.C.No.68 of 2010.

For Petitioner : Mr.K.Anbarasan
For Respondents : Mr.M.Vivekanandan

ORDER

The order dated 04.11.2016 passed by the learned II Additional Principal Judge, II Additional Family Court, Chennai, in M.C.No.68 of 2010, fixing the monthly maintenance at Rs.1,000/- in favour of the first respondent/ wife and Rs.2,000/- to the second respondent / daughter towards educational expenses, is under challenge, at the instance of the petitioner / husband, by way of the present Criminal Revision Case.

2.The learned counsel for the petitioner/husband submitted that the first respondent has an illicit affair and extra marital relationship with one Manikandan and hence, she is not entitled for maintenance from the petitioner. He further submitted that without considering the nature of the avocation and income of the petitioner, the Family Court directed him to pay a total sum of Rs.3,000/- towards monthly maintenance to the respondents, which is excessive and exorbitant.

3.On the other hand, the learned counsel for the respondents submitted that the Family Court, after analysing the materials available on record, has rightly awarded the monthly maintenance to the tune of Rs.3,000/- (i.e., Rs.1,000/- to the first respondent and Rs.2,000/- to the second respondent) and hence, the same does not call for any interference by this Court.

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

5.On 16.12.2016, this Criminal Revision was admitted and the interim stay granted by this Court on 01.12.2016 was made absolute. It is reported by the learned counsel on either side that the petitioner/husband has not complied with the order passed by the Family Court, Chennai till date.

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, children, father and mother, who are unable to maintain themselves. As such, the petitioner / husband is bound to pay the maintenance to the respondents and he cannot wriggle out of the said responsibility.

7.The Family Court, after hearing both sides and upon perusal of the materials available on record, has awarded a reasonable sum of Rs.1,000/- in favour of the first respondent / wife and Rs.2,000/- to the second respondent / daughter towards monthly maintenance, which shall be payable by the petitioner/husband on or before 5th of every succeeding English Calender month, along with arrears within a period of two months. Though the learned counsel for the petitioner contended that the first respondent is having illicit intimacy with one Manikandan, the same has not been substantiated by any material. Taking note of the facts and circumstances of the case, the award so passed by the Family Court seems to be very reasonable and hence, the same warrants no interference by this Court.

8.Accordingly, this Criminal Revision stands dismissed. It is open to the respondents to proceed against the petitioner for recovery of the maintenance amount, in the manner known to law.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To

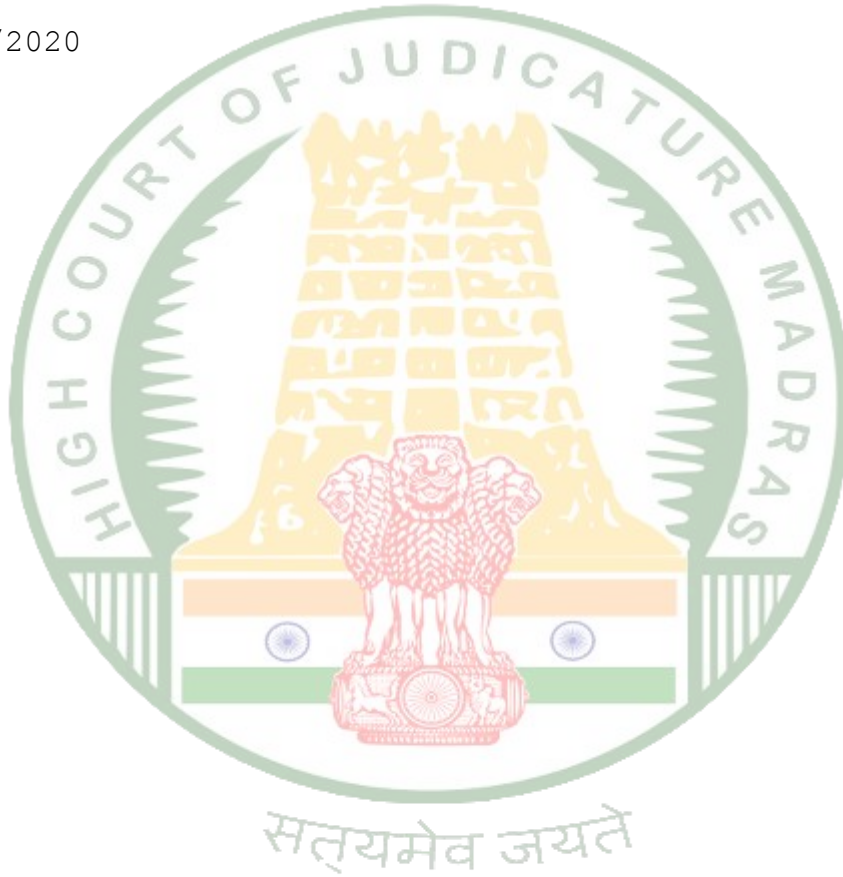
The II Additional Family Court,
Chennai.

+1cc to Mr.K.Anbarasan, Advocate, S.R.No.16274

+1cc to Mr.M.Vivekanandan, Advocate, S.R.No.16523

Cr1.R.C.No.1568 of 2016

RV(CO)
KKV/19/05/2020



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