

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.700 of 2018
and
Crl.M.P.No.8130 of 2018

A.Gopal

...Petitioner/Petitioner

Vs.

1. K.Santhi

2. Minor. G.Mathavan

2. Minor.G.Ramesh

Minors represented by their Guardian

mother K.Santhi/first respondent ...Respondents/petitioners

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the order passed in M.C.No.159 of 2013 dated 01.02.2018 on the file of the learned Additional Family Judge, Coimbatore.

For Petitioner : Mr.A.Tamilarasan

For Respondents: No appearance

ORDER

The revision petitioner is the husband and the respondents are the wife and sons. The petitioner and the first respondent got married on 10.11.2000. Out of the said wedlock, they were blessed with two male children on 10.08.2001 and 13.05.2003 namely, G.Mathavan and G.Ramesh, the second and third respondents respectively. Due to a matrimonial dispute, they were separated. The respondents filed a petition for maintenance before the Additional Family Court, Coimbatore, claiming a sum of Rs.15,000/- per month. Considering the materials available on record, the Family Court directed the petitioner herein to pay a monthly maintenance of Rs.6,000/- to the first respondent and Rs.2,000/- each to the respondents 2 and 3. Challenging the same, the petitioner has come up with this Criminal Revision Case.

2.The learned counsel for the petitioner submitted that the petitioner is working as driver and earning only Rs.6,000/- per month, whereas the first respondent/wife is working in S.M.Matriculation School and is having sufficient means to maintain herself and respondents 2 and 3 as well. Without considering the said aspect and in the absence of any proof as regards the avocation and income of the petitioner, the Family Court has erred in holding that the petitioner could earn Rs.50,000/- by running a travels and Real estate

business and ultimately, ordering the monthly maintenance at the rate of Rs.10,000/- to the respondents. Hence, he sought to set aside the said order passed by the Family Court.

3.Heard the learned counsel for the petitioner. Despite the service of notice and the name of the respondents having been printed in the cause, there is no representation on their behalf.

4.A perusal of the record of proceedings would reveal that this Criminal Revision was admitted on 20.06.2018. However, no interim order was granted till date.

5.The object of the provisions of Section 125 Cr.P.C., is to provide for a social justice falling within the swim of Articles 15(3) and 39 of the Constitution of India, which have been enacted to protect the weaker section of the society like women and children. It is in the form of secular safeguard irrespective of personal law of the parties. The object is to compel a man to perform moral obligations towards the society in respect of maintaining his wife, children and old parents, so that they may not face destitution and become the liability of the society or may be forced to adopt a life vagrancy, immorality and crime for their subsistence or go astray (vide Begum Subanu @ Saira Banu v. A.M.Abdul Gafoor, AIR 1987 SC 1103).

6.In the light of the aforesaid legal proposition and after a careful and threadbare analysis of the documents filed in the typed set of papers, including the order impugned herein, this Court is of the view that the Family Court has considered all the materials placed before it and awarded a reasonable sum of Rs.6,000/- towards monthly maintenance to the first respondent/wife and Rs.2,000/- each to the respondents 2 and 3/ children, which is bound to be paid by the petitioner/husband. Hence, this Court finds no reason much less valid reason to interfere with the quantum so fixed by the Family Court.

7.In fine, this Criminal Revision stands dismissed, leaving it open to the respondents to recover the monthly maintenance including arrears, as ordered by the Family Court, in the manner known to law. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

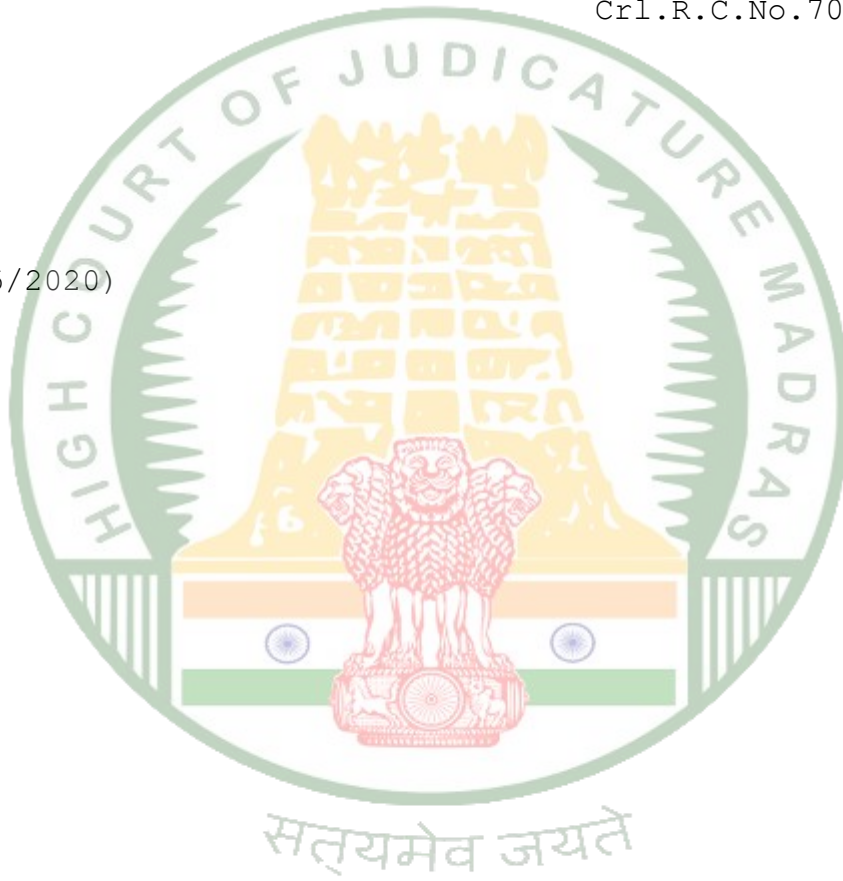
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To

The Additional Family Court,
Coimbatore.

Cr1.R.C.No.700 of 2018

JP (CO)
klt (22/05/2020)



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