

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.736 of 2018
and
Crl.M.P.No.8516 of 2018

N.Senthilvel

...Petitioner

Vs.

1.A.Tamilselvi
2.S.Devapriya

...Respondents

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. against the order dated 18.04.2018 passed by the Principal Judge, Family Court, Coimbatore in M.C.No.41 of 2017.

For Petitioner : Mr.M.Subha

For Respondents : Mr.K.S.Karthik Raja

O R D E R

The order dated 18.04.2018 passed by the learned Principal Judge, Family Court, Coimbatore, in M.C.No.41 of 2017, fixing the monthly maintenance at Rs.6,000/- in favour of the first respondent/ wife and Rs.5,000/- to the second respondent / daughter, 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 second respondent/daughter was under the custody of the petitioner before filing of the maintenance case and her educational expenses were borne out by the petitioner; the respondents have sufficient means to maintain themselves and to meet out their requirements, whereas the petitioner is not in a position to lead day today life, that too, medical expenses. Without considering the said aspects, the Family Court has erred in awarding a huge sum of Rs.11,000/- towards monthly maintenance to the respondents, which warrants interference by this Court.

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.11,000/- (i.e., Rs.6,000/- to the first respondent and Rs.5,000/- 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.This Court, by order dated 11.07.2018, while admitting this criminal revision, has granted an order of interim stay on condition that the petitioner/husband shall pay a sum of Rs.3,000/- per month to the respondents on or before 8th of every succeeding English calendar month and also pay the arrears of maintenance at the rate of Rs.6,000/- per month within a period of eight weeks from the date of receipt of a copy of the order. It is reported that the petitioner/husband has not complied with the said order, 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 defiance on the part of the petitioner /husband as regards the non-payment of maintenance to the respondents cannot be countenanced.

7.The Family Court, after hearing both sides and upon perusal of the materials available on record, has awarded a reasonable sum of Rs.6,000/- per month in favour of the first respondent / wife and Rs.5,000/- to the second respondent / daughter towards maintenance. Since the petitioner / husband is bound to pay the maintenance to the respondents and he cannot wriggle out of the said responsibility, stating his financial inability, this Court finds no reason to interfere with the award so passed by the Family Court.

8.Hence, 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kas

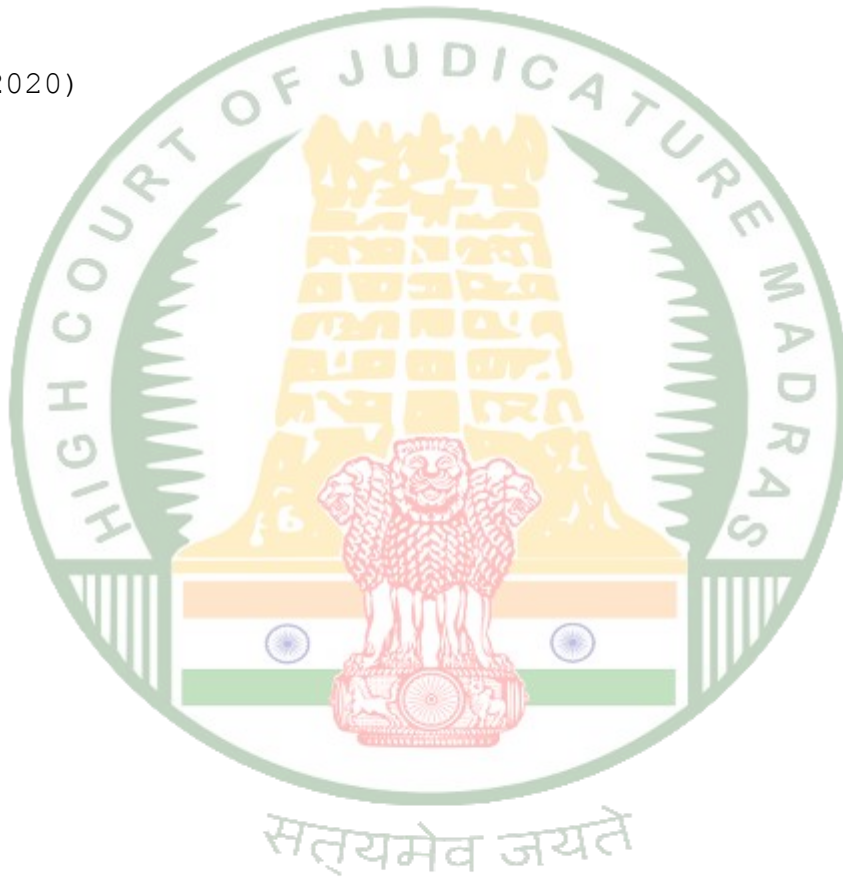
To

The Principal Judge,
Family Court,
Coimbatore.

+lcc to Mr.K.S.Karthik Raja, Advocate, S.R.No.12753 dt 17/02/2020

Cr1.R.C.No.736 of 2018

PM(CO)
RN(27/05/2020)



WEB COPY