

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.1215 of 2017

and
Crl.M.P.No.11642 of 2017

R.Selvaraj .. Petitioner

Vs

1. Easwari
2. Minor Karthika .. Respondents
(rep by her mother and Guardian the first Respondent)

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the order dated 04.11.2016 made in M.C.No.33 of 2015 on the file of the Chief Judicial Magistrate Court, Tirupur.

For Petitioner : No appearance

For Respondent : No appearance

ORDER

This Criminal Revision Case is filed to set aside the order dated 04.11.2016 passed by the learned Chief Judicial Magistrate, Tirupur, in M.C.No.33 of 2015.

2.The petitioner is the husband and the respondents are the wife and daughter. They got married on 09.07.2007. Due to the said wedlock, the first respondent got delivered a female child, namely, Karthika, the second respondent. Due to a matrimonial dispute, they were separated. The respondents filed a petition for maintenance before the Chief Judicial Magistrate Court, Tiruppur, claiming a sum of Rs.10,000/- per month. Considering the materials available on record, the Court below directed the petitioner herein to pay a monthly maintenance of Rs.7,500/- to the second respondent alone from the date of petition for maintenance. Insofar as the first respondent is concerned, the petition stood dismissed. Challenging the same, the petitioner has come up with this Criminal Revision Case.

3. There is no representation on behalf of the petitioner as well as on behalf of the respondents.

4. It is averred in the affidavit filed in support of this Criminal Revision that suppressing the fact that the first respondent had already married one Rajendran and without dissolving the said marriage, she married the petitioner second time and deserted him and her whereabouts were known to him only after filing the maintenance case. He further stated that in the absence of any proof to prove the avocation and income of the petitioner, the Court below erred in holding that the petitioner could earn Rs.20,000/- as an electrician and ordering the monthly maintenance at the rate of Rs.7,500/- to the second respondent/child. Hence, he sought to set aside the said order passed by the Court below.

5. 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 Court below has considered all the materials placed before it and awarded a reasonable sum of Rs.7,500/- towards monthly maintenance to the second respondent/child, 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 Court below.

6. Accordingly, this Criminal Revision stands dismissed, leaving it open to the respondents to recover the arrears of maintenance and monthly maintenance as ordered by the Court below, in the manner known to law. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Chief Judicial Magistrate,
Tiruppur.

2.The Judicial Magistrate No.2
Dindigul.

Cr1.R.C.No.1215 of 2017

VG II(CO)

CB (28/07/2020)

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