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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2020

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN

Criminal Revision Case No.1217 of 2017
& CrI.M.P.No.11643 of 2017

Mr. S.Riaz Ahamed

... Petitioner

Vs.

1. Mrs. Naseema

2. Minor. R.Roshan Ahamed

3. Minor R.Mufeedha

(R-2 and R-3 represented by their mother
and natural guardian, R-1-Mrs.Naseema)

... Respondents

Criminal Revision Case filed under Section 397 read with Section 401 Cr.P.C., to call for the records and to set-aside the order made in M.C.No.536 of 2012, dated 03.02.2017 on the file of the learned I Additional Family Judge, Chennai.

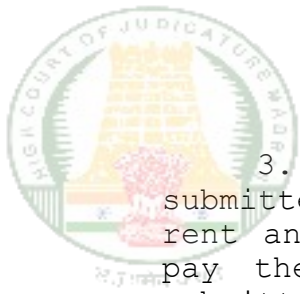
For Petitioner : Mr. M.Ravikumar

For Respondents : Mr. S.N.A.Hussainy

O R D E R

Feeling aggrieved towards the fixation of monthly maintenance to respondents 1 to 3 at Rs.3,000/-, Rs.2,000/- and Rs.2,000/-, respectively, by the Court below, this Criminal Revision Case is preferred by the petitioner, who is the husband of the first respondent and father of respondents 2 and 3 herein.

2. The learned counsel for the petitioner submitted that the Court below erred in allowing the petition filed by the respondents without proper appraisal of the facts of the case; the Court below failed to see that the petitioner has no sufficient means to maintain the respondents; and the conclusion arrived at by the court below without any cogent and concrete reasons cannot be sustainable in the eye of law.



3. Per contra, the learned counsel for the respondents submitted that the petitioner herein has let out three shops for rent and earning Rs.16,000/- per month and he is duty bound to pay the maintenance amount to the respondents. He further submitted that the Court below has analysed each and every aspects and based on evidence on record has rendered findings, which do not require any interference by this Court. He further submitted that though the order of the Court below was made on 29.11.2012, no amount was paid by the petitioner thus far.

4. Heard the learned counsel for both sides and perused the materials available on record.

5. The Court below, though found that the petitioner worked in abroad and earned Rs.15,000/- per month and he was affected by paralytic attack and hospitalized for one month, ultimately held that the counter statement of the petitioner herein and his cross-examination are contradictory with each other and hence the respondents have proved that they are entitled to get maintenance. Accordingly the Court below has awarded the total maintenance at Rs.7,000/- to the respondents.

6. This Court is of the view that the Court below has arrived at the quantum of maintenance to the respondents at Rs.7,000/- in total considering the materials available on record and based on the status of the petitioner / husband and hence the same cannot be said to be either luxurious or penurious, but is modestly consistent with the status of the family. Thus this Court finds absolutely no reason to interfere with the order impugned herein.

7. In fine, the Criminal Revision Case is dismissed. It is open to the respondents to proceed against the petitioner for recovery of the arrears of maintenance amount. Consequently the connected CrI.MP is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



To

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The I Additional Family Judge,
Chennai.

+1cc to Mr.M.Ravikumar, Advocate Sr.18047

+1cc to M/s.S.N.A.Hussainy, Advocate Sr.17648

Cr1.R.C.No.1217 of 2017

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srg 09/07/2020